REVIEW-CHRONICLE

OF THE HUMAN RIGHTS VIOLATIONS IN BELARUS IN 2003

INTRODUCTION: GENERAL CONCLUSIONS AND BASIC TENDENCIES

1. SYSTEM OF HUMAN RIGHTS VIOLATIONS

The year 2003 was marked by deterioration of the human rights situation in Belarus. While the general human rights situation in the country did not improve, in its certain spheres it significantly changed for the worse. Disrespect for and regular violations of the basic constitutional civic rights became an unavoidable and permanent factor of the Belarusian reality.

In 2003 the Belarusian authorities did not even hide their intention to maximally limit the freedom of speech, freedom of association, religious freedom, and human rights in general. These intentions of the ruling regime were declared publicly. It was a conscious and open choice of the state bodies constituting one of the strategic elements of their policy. This political process became most visible in formation and forced intrusion of state ideology upon the citizens. Even leaving aside the question of the ideology contents, the very existence of an ideology, compulsory for all citizens of the country, imposed through propaganda media and educational establishments, and fraught with punitive sanctions for any deviation from it, is a phenomenon, incompatible with the fundamental human right to have a personal opinion. Thus, the state policy of the ruling government aims to create ideological grounds for consistent undermining of civic freedoms in Belarus.

The new ideology is introduced despite the Constitution of the Republic of Belarus which puts a direct ban on that. According to Article 4 of the Constitution, democracy in the country is carried out on the basis of diversity of political institutions, ideologies and opinions, and ideologies of political parties, religious or non-governmental organizations, and social groups must not be established as compulsory for the citizens. The ruling regime violates the constitutional norms with its own political purposes, first of all, in order to keep and reinforce its authoritarian rule. Introduction of the state ideology renders impossible the freedom of opinion, the freedom of speech, the right to spread information, and the religious freedom in Belarus.

Such conditions leave no chances to claim that human rights violations in Belarus are just rare occurrences or uncommon examples caused by drawbacks in the work of individual state bodies or officials. Vice versa, human rights violations became a distinctive feature of the political system in Belarus, constituting one of the methods of

government. The Belarusian President has built up the State machinery, unable to perform governing functions without regular deprivation of Belarusian citizens of their constitutional rights.

This system rests upon the compulsory state ideology, hostile to the very idea of human rights; the ideology, which provides for political basis for illegal actions of the authorities and obliterates possible dissent. Executive power bodies (the «vertical») are one of the important elements in this system. The vertical is not formed through elections, and does not depend on the political will of the people. The executive power bodies report directly to the President and act on the basis of anti-legal legislation. Representative power bodies (the parliament and local Councils) have no real control over the administrative bodies and are not able to stop human rights violations or impede adoption of anti-legal legislation acts. Furthermore, the representative bodies have very few individuals, able to display disagreement with illegal actions of the executive bodies, which are unconditionally subordinate to the President. Finally, the stability of this system of human rights violations is guaranteed by courts, absolutely dependent on the administration; courts, which are guided not by the principles of lawfulness and objectivity, but by the principles of expediency for the authorities. Belarusian judicial system does not let the citizens defend their rights.

Anti-legal legislation, which is not based on the supremacy of law, has become the normative base for systematic human rights violations. In the present Belarus the Constitution is not considered an act of the direct effect. It is not used in courts and everyday legal practice. Correspondingly, the human rights guarantees laid down in the Constitution have no real power. The supreme legal force in the Belarusian juridical system belongs not to laws, but to edicts and decrees of the President. A fair amount of these decrees and edicts contradict one another, the laws, the Constitution, and the international law. Acts, signed by the President, are in conflict with the very spirit of human rights.

The system is incompatible with implementation of human rights. However, in 2003 it acquired its final shape, providing the authorities the possibility to carry out large-scale campaigns directed at annihilation of basic human rights. The authorities have already developed a routine for such campaigns. The political leadership of the country voices an idea about the necessity to fight certain social phenomena, or issues a repressive legal act, which becomes the ground for the executive bodies to persecute individuals or organizations. We are not talking about restriction of rights, but about persecution and annihilation of social phenomena connected with civic rights and their realization in Belarus. In the first place, it was liquidation of non-governmental organizations and mass

media. When citizens turned to courts to defend their rights, the decisions of the legal bodies did not comply with the laws, the Constitution, and international acts, ratified by the Republic of Belarus. Quite on the contrary, the judicial decisions carried out the political orders of the country's leadership, which claimed them to be the «state interests». Simultaneously, legislative changes taking place in 2003 imposed still more restrictions on the rights in this sphere.

The state bodies used this scheme to carry out campaigns, which received the name «cleansing» in society. These were systematic and well-planned actions against the structures of the civic society. The authorities carried out «cleansing» in the spheres of the freedom of speech and freedom of associations, affecting dozens of independent mass media editions and non-governmental organizations. The campaigns resulted in disappearance of a significant number of independent editions, contraction of the informational space practically to the size of the state sector, and a number of human rights, women, youth, social NGOs, as well as regional resource centers going underground.

There is a serious threat that the authorities are preparing for some large-scale political campaign which is to take place in the near future. That might possibly be the parliamentary election in the fall of 2004. However, many analysts come out with the suggestion that the urge to get rid of the independent press and strong NGOs is evidence of the President's intention to clear the way for election for the third term in office. The Belarusian Constitution does not allow an individual to hold the post of the President for more than two terms. However, the idea of extending the authority of the incumbent was mentioned not only by independent observers, political writers, and analysts – it was publicly announced by Belarus top-officials, the President's circle people. Finally, during 2003 Lukashenka himself said time and again that he did not exclude such a possibility.

The situation with other human rights in Belarus did not improve either. Just as in previous years, the authorities continued to persecute dissenters, and failed to observe the civic rights to freedom of religion and the right to participate in peaceful assemblies. The authorities strongly limited the academic freedoms and the right to education, including the right to receive education in one's native language. The independent trade union movement, as well as democratic candidates at the local election, were subjected to heavy pressure from the authorities. The political repression inevitably accompanied by violations of the basic civic rights continued without let-up.

2. VIOLATION OF THE RIGHT OF ASSOCIATION

The Belarusian legislation creates a very inauspicious legal climate for existence of the non-governmental organizations, for exercising the constitutional right to creation and participation in associations. The sphere of registration of citizens' associations is regulated by an authorization principle – the activity of unregistered organizations is under a ban, leading to administrative responsibility, or a heavy fine, or arrest.

In order to receive registration, an NGO has to go through a complicated procedure in the justice bodies. During the procedure the Ministry of Justice and the regional justice departments check not only the juridical compliance of the application documents with the law requirements, but also assess the political expediency of existence of the new organization. The presidential Decree created the state Commission for registration (re-registration) of NGOs, which consists of representatives of the state ministries, Committee for State Security (KGB), and the Security Council. The main function of the Committee is to serve as a political filter and disallow registration of NGOs unwanted by the current regime (youth, human rights, political organizations). The Commission works in secret, behind closed doors and very slowly – making the registration process last for years. For example, the umbrella association of NGOs The Assembly spent 18 months waiting for the decision on its registration, yet negative in the end. In the end, this biggest umbrella association of Belarusian non-governmental organizations failed to obtain the legal status.

Since 1999 none of new human rights organizations was registered in the country because of the current registration procedure. This does not mean that organizations are not created. They are, but the authorities deny them registration. At the same time, unregistered status significantly impedes effective human rights work.

In 2003 many newly-created NGOs were rejected registration for political reasons. For example, in Homel youth NGO The Circle of Initiative Youth was not registered for the reason that its founders had been members of The Hart youth NGO liquidated earlier. In opinion of the officials of Homel justice department their former membership was evidence of «their future destructive activity, connected with law violations and oriented at destabilizing the public life and peace in society». In 2003 the authorities refused registration to the Assembly of NGOs, Belarusian Association of Resource Centers, Young Social Democrats, Human rights House NGO (Smarhon), and dozens of other NGOs of national and regional levels.

At the same time, pro-governmental pseudo-NGOs are created. In 2003 their status was regulated by special presidential edict #335 «On national state-non-governmental

organizations» dated July 30, 2003. This act created the basis for expansion of such organizations like Belarusian National Youth Union. Such associations are completely controlled and financed by the government, performing the function of state management in the public sphere. Membership in such organizations is stimulated with various privileges, as well as threats and blackmailing. For example, every state college and university has a quota percentage of students who must be members of the Belarusian National Youth Union (BRSM). College and university administrations threaten exam problems or even exclusion to students who do not want to join the state youth organization. Smaller youth organizations and clubs in the regions are suggested to either get under the roof of BRSM, or stop their activity. School students are forced to join the pro-governmental pioneer organization. The experience of work in the youth sphere is passed on to other spheres — the state will rely only on selected pseudo-non-governmental structures, which create the visibility of existence of civic society in the country, in reality being an element of the state machinery.

The authorities also focus on counteracting the human rights activity of NGOs and on creation of legal obstacles for such activities. Thus, on April 15, 2003, Presidential Decree # 13 «On some issues of civic legal proceedings» prohibited representatives of NGOs appear in court for citizens, who are not members of these NGOs. This right is enjoyed only by barristers, members of the state Bars (the institute of private barristers was liquidated earlier). Thus, the possibility to legally defend the tights of citizens in court has become significantly complicated.

However, the most flagrant and systematic infringement of the right of association was the campaign of NGOs' liquidation, started in the spring of 2003. During this action justice departments filed several dozen of NGO liquidation suits to the courts. Regional resource centers and a number of influential non-governmental organizations playing a significant role in the public life of the Belarusian society lost their legal status.

By the end of 2003 we recorded over 20 cases of closure of NGOs of both national and regional level. A number of liquidation cases are still considered by courts.

Both smaller organizations and the strongest NGOs of authority found themselves under attack. Their names are widely known in the community: Hrodna regional association Ratusha, Homel regional association Civic Initiatives, Baranavichy Regional Development Agency Varuta, Vitebsk Youth Initiatives Center Kontur, etc. The liquidation wave affected youth, human rights, women, and social NGOs: the Youth Christian Social Union, the Human Rights Center «Viasna», the Legal Assistance to Public, the Brothers Lutskevich Foundation, the Women's Answer, the Belarusian Foundation «Cassiopeia»,

Rechytsa city organization of Chernobyl disaster eliminators, the Association of Young Entrepreneurs, The Helpful Hand charitable organization, and others.

Most frequent grounds for liquidation were the following: irregularities in record keeping and design of letter heads, usage of shortened names of organizations, and violation of legal address registration procedure. Among other claims, which led to liquidation, were publishing and printing activities, usage of foreign grants, failure to provide membership list and other information to the Ministry of Justice, participation in elections and election observation, violation of tax legislation, representing citizens in courts and offering legal advice to citizens, and carrying out activities, which were not stipulated by a Statute (environmental activities, for example), etc.

In the established judicial practice of hearing liquidation suits filed by the Justice Ministry, a non-governmental organization can be liquidated without any prior warnings. Belarusian courts (including the Supreme Court) base their decisions on Art 57 of the Civic Code, disregarding the Law «On Public Associations», which provides for a more complicated liquidation procedure for NGOs demanding issue of prior warnings to an NGO. Thus, at present an NGO might be closed down for a single violation of the legislation (including various instructions and norms) of any level of gravity. In conditions of the contradictory legislation that means that any organization is subject to liquidation any moment – significance of infringement and time limitation count for nothing if it is the political will of the state authorities.

During the case hearings the courts do not make an objective legal evaluation of NGOs' activities. Obviously, they just carry out the orders and have to allow the Ministry's claims. Even in case all accusations are proved ungrounded during the trial, as it happened with the Human Rights Center «Viasna», a court would still satisfy a demand to liquidate the NGO. Quite revealing is the opinion of Deputy Justice Minister Aleh Krawtsow about relations between courts and the Ministry. He replied to MP Valery Fralow's inquiry about liquidation of a number of NGOs, that «by instructions of the Minister of Justice, Homel, Brest, and Hrodna courts suspended legal proceedings of NGO liquidation». Apparently, in his reply the deputy Minister recognized the fact that the Ministry not only exerts pressure on courts, but even issues executory orders. His statement clearly defines the relations between courts and the Ministry of Justice: the Minister gives orders, and a judge executes them. It is simply impossible to speak of unbiased and independent judicial system in this case.

However, probably, it is not the Justice bodies who really initiated the third sector «cleansing». Leaders of regional resource centers believe liquidation suits were not

initiated by the local authorities, but ordered from the «center»: that could be the Security Council, the President's office, or other closed structure. Most probably, the initiators pointed at the biggest organizations, which had to be closed down by any means. These are the NGOs which play an important part in non-political and political election campaigns, election observation, and the human rights NGOs of most authority.

The liquidation campaign had yet another purpose – to create the climate of fear and force NGOs to always act under risk of liquidation. Really, dozens of warnings, issued to the most active NGOs, make them adjust their activities. In 2003 different NGOs received the total of about 200 warnings.

Naturally, the first reaction of public activists to the well-coordinated and quick liquidation campaign was a shock. After the infamous re-registration campaign of 1999 it was the most vicious attack against the NGO community. April 29 representatives of NGOs facing liquidation and leaders of the NGO Assembly staged a press conference and announced the beginning of Our Solidarity campaign. The purpose of Our Solidarity was, on the one hand, to provide the NGOs with competent legal advice and public support, and on the other hand, to try to enter into a constructive dialog with the authorities and to persuade them to withdraw the suits.

Soon about 20 Belarusian NGOs addressed the Minister of Justice, demanding to withdraw the suits and inviting to the public hearings on the issue. The public hearings took place on May 23. Mikhail Sukhinin, head of the Ministry's Department for Public Associations, spoke at the meeting. He claimed NGO liquidation was not a coordinated campaign but just a coincidence.

After some reconciliation for the time of the public hearings the authorities continued their attack on the third sector, raising it to the national level. Practically all NGOs had to go through comprehensive check-ups, the number of liquidated organizations grew even bigger.

Our Solidarity activists carried out information campaigns both on the national and international levels. They organized press-conferences and meetings with the representatives of the Diplomatic Corps. Names Ratusha, Varuta, Youth Christian Social Union were mentioned in the US Congress. Not only the Belarusian colleagues, but also dozens of NGOs from European countries, and many international human rights organizations expressed their solidarity with NGOs «in disgrace». All European inter-state structures (OSCE, the Council of Europe, the EU) voiced their concern about the pressure the regime exerts on the structures of civic society in Belarus.

It should be especially pointed out that the authorities aimed at liquidation of human rights organizations: the Legal Assistance to Public, the Human Rights Center «Viasna», and the Independent Society for Legal Research. Quite typically, the grounds for closure of these NGOs were not minor or technical inaccuracies, but the NGOs' very activity: representing citizens' interests in courts, defending NGOs, assistance and contacts with unregistered organizations, and monitoring of the election process. This is the evidence of the fact that the Belarusian authorities do not tolerate the very activities in the human rights field.

The state regime Lukashenka is building does not leave room for either human rights organizations, or any other forms of public activity uncontrolled by the state. This is the real reason for the brutal attack against the real source of the civic activity (taking its potential into account) – the «third sector». The authorities consider any independent association of citizens not as a form of exercising the right to freedom of association, but as an impingement on the Belarusian authoritarian regime.

3. VIOLATION OF THE RIGHT TO FREEDOM OF SPEECH

The Belarusian regime is waging an already traditional war against independent mass media and freedom of speech. Every year newspapers get closed down and their print runs confiscated. Journalists get beaten and face criminal charges, saying nothing of open and hidden censorship. In this sense the year 2003 was not an exception, the earlier tendencies continued.

In spite of the general negative circumstances, in 2003 journalists Viktar Ivashkevich, Pavel Mazheika, and Mikola Markevich finished their sentences for «insulting the President» and were released.

The authorities did not drop the criminal charges against the journalist Iryna Khalip, brought in September 2002 under Art 369 of the Criminal Code. However, the proceedings did not continue. Khalip was indicted for article «Afghani Greyhounds» in the BDG. For Official Use Only newspaper. Iryna Khalip is suspected of libeling Prosecutor General Viktar Sheiman.

In May Alexander Ihnatsiuk, founder and chief editor of the Vecherni Stolin newspaper, was indicted on the same charge.

Simultaneously, the authorities persecuted journalists under the Code of Administrative Violations. For example, the Navinki editor Pawluk Kanavalchyk was fined over 700 USD for insult of the President. At the same time, the civic action to withdraw the articles of «insult of the President», «libel upon the President», and «libel upon an

official» did not succeed. Belarusian journalists still face the danger of being indicted for criticism against the authorities.

In 2003 the tendency of closure and suspension of independent editions continued. The Ministry of Information suspended some national-level (the BDG, the BDG. For Official Use Only, the Navinki, the Salidarnasts, the Echo, the Predptinimatelskaya Gazeta) and regional-level (The Vecherni Stolin, the Provintsyalka) newspapers. It should be pointed out that 3-months suspension is not only a censorship means, but also a tool of economic pressure on the independent press. A suspended newspaper incurs big losses and has to struggle to resume publication.

The situation with newspapers belonging to the Marat publishing house became a typical case of pressure on the independent press. The BDG and the BDG. For Official Use Only were suspended for three months for «violation of the Law on Press» (manifested in covering the issue of corruption in the inner circle of President Lukashenka) and «insult of the President». It did not need even a court decision to suspend the newspapers, the order of the Information Minister was just enough. Thus, the Belarusian legislation allows officials to suspend newspapers on illegal grounds, or without any grounds at all. The publishers of these newspapers (as well as publishers of other suspended editions) spent large sums for appealing against the decisions of the Information Minister. However, their efforts did not fix the situation – the newspapers did not come out and incurred great losses.

It should be especially pointed out that the authorities put pressure on the editions, which published articles by the journalists of the newspapers suspended earlier. This was the case of the Echo, the Salidarnasts, the Predprinimatelskaya Gazeta, and the Mestnaya Gazeta Shag.

The Ministry of Information practices the system of warnings to blackmail the publishers. Having received two warnings a newspaper becomes subject to liquidation. In 2003 the Ministry issued warnings to the BDG, the Navinki, the Narodnaya Volya, the Predprinimatelskaya Gazeta, and other newspapers.

Small editions in the regions are especially vulnerable to the self-will of the local authorities. Krychaw authorities deny registration to the Volny Horad local newspaper; Belaaziorsk authorities persecute publishers and distributors of the Altanka local newspaper; Mahilow authorities closed down non-state TV channel «Mahilow-2» and seized all equipment, owned by the studio. The founder and publishers of the Novaya Gazeta Smarhoni – entrepreneur Ramuald Ulan and «Kolas» farm – are under pressure as

well. The farm, once it became the newspaper publisher, was doomed to get under pressure of controlling and taxation bodies; Mr. Ulan's entrepreneur license was cancelled. Repression against the publishers started when they applied for registration of two new local newspapers – the Novaya Gazeta Ashmian and the Novaya Gazeta Astrawtsa. That proves that the authorities are ready to do everything possible in order not to let independent local media expand. The competition of local press, independent from the state, is simply endangering the state-owned media. In many regions local independent newspapers enjoy great popularity, which is a lot higher than that of the state-owned newspapers, which is proved by the newspapers' circulation. This situation is quite dangerous for the authorities, especially during elections or other political campaigns.

In 2003 the authorities stuck to the practice of pressure on the independent editions through printing presses. Both state-owned and private printing presses refused to print independent newspapers on the order of the local authorities. CEO of the Chyrvonaya Zorka printing press let print the Echo and the Salidarnasts newspapers (which published articles by journalists of the suspended BDG) and was fired. Dozens of newspapers all over Belarus faced similar problems – the Mestnaya Gazeta Shag (Baranavichy), Region-Vesti (Svetlahorsk), the Novaya Gazeta Smarhoni (Smarhon), the Navinki, and many other editions.

Censorship in both state-owned and private press, as well as interference into the work of the editors became a common phenomenon. The Information Ministry subjected all FM-stations to censorship. Every day they have to provide the Ministry with their news scripts. The English-language newspaper Belarus Today has to submit each issue to approval of the Ministry – otherwise printing presses refuse to print it. Minsk state-owned bookshops refuse to sell some private editions, the Arche magazine, for instance.

Individual warnings to journalists has become a pressure tool. Reporter of the Birzha Infarmatsyi newspaper (Hrodna) was accused of breach of investigation secrecy for publishing official(!) press-releases of KGB and bodies of Internal Affairs. Maryna Koktysh, journalist of the Narodnaya Volya newspaper, was warned for publishing the speech of defendant Mikhail Lavonaw, which he had made during an open trial. Warnings were issued to Alexander Silich, journalist of the Narodnaya Volya; Iryna Khalip, journalist of the BDG; Alena Daneika, reporter of the Izvestiya Russian newspaper; journalists of the local office of NTV Russian TV channel; and some authors of the United Civic Party's, and «Belarus-free» web-sites. These facts openly demonstrate the policy of the state administration to limit journalists' access to information. Belarusian legislation on state secrets can make unavailable to the public practically all the information of the state

ministries. In 2003 we registered many cases when reporters of independent media were sent away from open sessions of local councils and courts, and other cases of limiting their activity.

The state authorities practice the policy of economic inequality for state-owned and private media, and limitation of distribution for independent press. Non-state editions suffer regular check-ups and revisions. At the same time, state-owned newspapers enjoy various financial privileges. The situation of the BDG became the most known case of the authorities limiting the newspaper distribution. When the BDG got suspended for three months, other newspapers, which published the BDG articles, were printed abroad and brought to the country in vans. That process was accompanied by police detentions of the vans, seizure of the newly printed issues, and violence towards the distributors. The police also detained distributors of the Novaya Gazeta Smarhoni. Simultaneously, this newspaper had high fines to pay. In 2003 the police confiscated equipment of the Tatsiana film studio, which employed Yury Khashchavatski, the film director, known for his films on human rights and political issues.

Pressure on independent press publishers and distributors takes various shapes and forms. For example, administrations of Krychaw educational establishments forbid students to have their own editions under the threat of expulsion (the case of Krychaw lyceum and newspapers the Krychawski Kuryer, and the Krychawlanka). In 2003 activists of youth movements were regularly detained for distribution of independent newspapers (both registered ones and those with the circulation of 299 copies, whose registration is not required). The local authorities threatened dealers selling the Intex-Press newspapers – as a result, 12 outlets refused to sell the newspaper.

In 2003 the state continued the practice of state officials suing newspapers for alleged degrading of honor, dignity and reputation and demanding payment of immeasurably high compensation. Cases of suits to the Narodnaya Volya newspaper and the BDG reporter Iryna Makavetskaya, who wrote about the case of Professor Bandazhewski, became the most known. Courts are visibly biased when considering such cases and their decisions are always in favor of state officials.

Arrests and beatings of journalists, state officials publicly threatening journalists and media were a common practice in 2003. Local office of NTV Russian TV channel, headed by Pavel Selin, was subject to the highest pressure. The office was deprived of accreditation, and Pavel Selin was deported from the country for material about the funeral of writer Vasil Bykaw. At the same time, the authorities gradually cut the broadcasting time of the Russian TV channels and radio stations.

IREX and Internews American programs supporting the independent press lost permission to work in Belarus. Just prior to that the state media carried out a broad campaign, aimed at spoiling the reputation of these programs, claiming they were linked to foreign special services.

The situation of the independent press and journalists might get even worse when the Law «On press and other mass media» is adopted. The draft contains so many amendments that it can be rightly called the new law.

The new draft law contains provisions which will significantly degrade the legal status of mass media, essentially limit the freedom of speech, and contradict Article 19 of the International Covenant on Civil and Political Rights. For example, the draft law provides for compulsory submission of check copies of editions with circulation under 500 copies, which do not need registration, to local administration. In reality that means preliminary censorship of the press with small circulation. At the same time, the procedure of state registration becomes more complicated. Obviously, the policy of licensing publishing activities has not only technical but also political grounds underneath. Article 7 of the draft law practically allows the state bodies to monopolize the mass media market, short-circuiting the norms of the antimonopoly legislation. In the financial sphere the draft law provides for the rise in financial support to state-owned mass media from the state and local budgets; limitation of financial support to independent mass media from the state budget, and the ban on financial support to independent mass media from foreign or anonymous sources. The draft law offers broad possibilities to close down or to ban editions both through judicial procedure and direct decisions of the Information Ministry. The state administration officials elaborating the draft law did not take the opinion of the human rights and journalists organizations into account. They paid no attention to the alternative draft law on mass media, proposed by the Belarusian Association of Journalists.

Human rights activists are especially concerned about the fact that the new draft law contains an extremely broad description of what a mass medium is. If a mass medium is described as «any form of periodical distribution of mass information, including press, television, radio broadcast, and global information networks», then all limits and formal procedures for newspapers, radio stations and TV channels, are also valid for network media (Internet and mailing lists). The new draft law requires the network media working through the Internet to receive state registration, to observe the laws on mass media, to keep up the periodical cycle, and even to have defined circulation. Naturally, in reality network media are unable to meet these requirements. However, the very existence of such provisions in the draft law proves the urge of the

authorities to control the information flows in the World Wide Web. The desire to limit the Internet and to put obstacles on the way of free information flow through electronic networks is expressed by different officials and politicians: parliament members, the KGB chief, the Minister of Information, and the President.

4. VIOLATION OF CIVIL RIGHTS AND POLITICAL REPRESSION

Belarus is the only European country pronouncing and executing death sentences. This fact is the bright evidence of the attitude of the Belarusian authorities to fundamental human rights.

In 2003 there was no significant progress in the cases of the disappeared public and political figures in Belarus. The authorities display reluctance to carry out comprehensive and unbiased investigation of their disappearances. They intentionally protract the inquiry, and postpone or fail to hold investigation procedures. During several years the investigation did not manage to propose any credible versions of disappearance of Yury Zakharanka, Viktar Hanchar, Anatol Krasowski, and Dzmitry Zavadski. At the same time, the investigation did not consider the version that special services and top leadership of the country were related to those crimes, though it was based on factual evidence and was raised many times. In all these cases investigators refused to interrogate state officials.

In January and February 2003 the investigation bodies put off the inquiry. In July the inquiry into the case of Viktar Hanchar and Anatol Krasowski's disappearances was resumed. Investigation into the case of disappearance of television cameraman Dzmitry Zavadski was ceased and resumed as well. In November Frunzenski borough court of Minsk ruled to recognize the journalist decedent. In the middle of December the Prosecutor General resumed the case of his disappearance «in conjunction with necessity to carry out investigation activities».

Sergey Kovalyov, head of PACE «Subcommittee to shed light on the circumstances of the allegedly political disappearances in Belarus», was not allowed to the country. The Belarusian authorities turned down several requests of the Ad Hoc Sub-Committee to hold a meeting in Minsk with a view to hearing other persons that may have information on what happened to the missing politicians and the journalist.

Christos Pourgourides, a special reporter of PACE Committee on Legal Affairs and Human Rights managed to visit Belarus. As a result of his visit Mr. Pourgourides prepared

a Disappeared People in Belarus Introductory memorandum. Mr. Pourgourides writes: «The purpose of my visit was merely to examine in a completely unbiased way whether a proper investigation of the disappearances has been conducted by the competent Belarusian authorities». In his report he gives an answer to this question: no, they did not. «On the contrary, the interviews I conducted in Minsk, in conjunction with Mr Alkayev's deposition before the Ad hoc Sub-Committee and the documents or copies thereof that are in my possession, have led me to believe that steps were taken at the highest level of the State actively to cover up the true background of the disappearances, and to suspect that senior officials of the State may themselves be involved in these disappearances», — points out Christos Pourgourides. (see complete text of the Memorandum in Appendices).

There is still no information about the Vitebsk youth activist Yury Korban, disappeared in 2002.

In 2003 the authorities continued to use Articles 367, 368, and 369 «libel upon the President», «insult of the President», and «libel upon an official» as a tool of political repression against dissidents. Aksana Novikava received a conditional sentence of 2 years of prison for «libel upon the President». Criminal charges against journalist Iryna Khalip, suspected of libel upon the Prosecutor General Viktar Sheiman, have not been dropped. Alexander Ihnatsiuk, editor of the Vecherni Stolin newspaper has been indicted for «libel upon a representative of the authorities». Despite the civic initiative, supported by a number of parliament members, these articles were not excluded from the Criminal Code.

Homel scientists – former rector of Homel state medical university, the internationally acclaimed professor radiologist Yury Bandazhewski and former vice-rector of the same university Uladzimir Rawkow – are still in prison serving their sentences.

In 2003 the authorities continued the campaign of prosecution of heads of large-scale industries in Belarus. The authorities claim they are just fighting corruption, though in some cases there are serious doubts about the validity of the charges. Courts take a biased stand in such cases; moreover, even before proceedings are over the top leadership of the country and state-owned mass media declare some of the defendants guilty of grave crimes, thus violating the principle of presumption of innocence.

The authorities continue to persecute former Prime Minister Mikhail Chyhir and his family. Observers stress that the persecution is politically motivated. In 2003 the court ruled to exact almost 1 million US dollars from Mikhail Chyhir for offences he had

allegedly made when in office. This penalty was added to earlier penalties on criminal charges to Mikhail Chyhir (3 years of conditional imprisonment and prohibition to hold official posts); his wife Yulia (2 years of conditional imprisonment), and son Alexander (7 years of imprisonment).

The civic right to peaceful assemblies was regularly violated. The most flagrant violations took place during dispersal of mass actions dedicated to the anniversary of the Belarusian People's Republic declaration, which took place on March 23 and 25. Despite peaceful nature of the actions, the police detained dozens of action participants, many women and teenagers among them. Organizers of the People's March For Better Life, held under social slogans on March 12, were sentenced to administrative arrest. The police severely dispersed the protest march against the referendum on the possible third term of Lukashenka in power.

Participants of mass actions were tried with violations of the legislation. The legal proceedings were visibly illegitimate and biased nature. None of the detained during mass actions were acquitted. Trying administrative cases in absentia is a major violation, but it became a regular practice in our courts (Cases of Yury Khadyka, Tatsiana Yelavaya, and many others). We have also registered a circuit court session, when the judge just came to the apartment of the person who could not come to the court for health reasons and tried him at home. These and other violations deprived the defendants of the right to request a council and the right to proffer evidence, impeding unbiased judicial proceedings.

Artur Finkevich's case was a typical example of injustice displayed by the Belarusian courts. Artur was punished three times for preparation for the action of November 24 and distribution of invitation to the action. He received a fine and two sentences for 15 days of jail, spending the total of 30 days behind the bars. At the same time, Artur Finkevich did not even take part in the action!

The case of Anton Kishkurna attacked by the police officers near Savetski borough court of Minsk is a bright example of cruelty of the Belarusian police. Anton Kishkurna was sitting in his car waiting for the beginning of the trial over his father, who had been detained during the March 25action. All of a sudden, several policemen attacked him and tried to drag him out of the car fracturing his arm at that. Deputy Head of Savetski borough police board Hurankow, who was in charge of the attack, got away with it. Another example of injustice and cruelty of the Belarusian punitive system.

We expect the situation with violation of the civic right to peaceful assemblies will get even worse. In 2003 the new law «On Mass Events» was passed. Under the new law, the procedure of receiving authorization to an action has become a lot more complicated. The new law defines a mass action as any gathering of citizens: it might be a religious, sports, cultural event held in a place which is not specially meant for such events, both indoors and outdoors. Thus, if citizens decide to hold a sports event somewhere but local stadium or a charity concert somewhere but concert hall, they need to apply for permission of the local authorities, otherwise the event would be illegal. According to the new legislation, then such events are subject to the Law «On mass actions, rallies, street processions, demonstrations and picketing».

Violations made by the authorities during elections have a special significance. In 2003 the local election became the testing ground for the dirtiest falsification methods, and distortion of the voting results. Thus, the Belarusian citizens are deprived of the right to take part in the government of a country and the right to elect bodies of representative power. By-election to Belaaziorsk city council taking place in the fall of 2003 was marked by gross violations and falsification of the voting results. The local election in March 2003 made Belaaziorsk the only town in Belarus, ruled by the democratic majority. Obviously, the state government did not like that. Thus, Belaaziorsk has become the only town in Belarus where a by-election was announced. During the by-election campaign the local administration put very severe pressure on the democratic candidates with the purpose to force them withdraw their candidatures: they were threatened with dismissal, and their family members were promised problems as well. In addition, the local state-owned press organized an intensive campaign of libel upon the candidates. The nature of the voting procedure is brightly described by such registered facts as numbering of ballot papers (which is destroying the secrecy of voting) and changing ballots in the ballot boxes.

With political purposes the authorities presume themselves to violate the secrecy of correspondence. The correspondence of political and public figures is scanned without any legal procedures. In particular, a parcel, addressed to leader of Mahilow UCP branch Uladzimir Shantsaw, was opened. Inviolability of property of public and political activists and non-governmental organizations is broken. Offices of the Babruisk branch of the Belarusian Organization of Victims of Political Repression, the Belarusian Language Society, Baranavichy Regional Development Agency Varuta, and apartments of a number of democratically-oriented members of local councils were robbed.

Limitation of religious freedom was basically connected to the use of the new law on religions adopted in 2002. The new law provided for re-registration of the existing

religious groups and associations. It is already possible to state that some of them will just lose their legal status as a result of the re-registration campaign. The authorities refuse to re-register the already existing protestant groups and register new ones. They prohibit to build new churches, detain and prosecute ministers for holding religious services at private houses and apartments. Verdicts of 'guilty' with the wording «for holding evangelical meetings» is a bright evidence of lack of freedom of religion in Belarus.

The Belarusian leadership points out that the Russian Orthodox Church is one of the pillars of the state ideology. Alexander Lukashenka claims during his rule the Orthodox religion replaced the former communist ideology in Belarus. According to this ideology, the school textbooks are used to openly propagandize the Orthodox Church and slander other denominations. In Belarus, which is a historically multi-religious country, the authorities entered into a concordat with the Russian Orthodox Church and created an unfavorable legal climate for other churches. Vandalism on Jewish cemeteries and displays of anti-Semitism are not a rare phenomenon in Belarus.

5. VIOLATION OF THE RIGHTS TO EDUCATION AND LIMITATION OF THE ACADEMIC FREEDOMS

In the educational and academic fields the situation around the Yakub Kolas National State Humanities Lyceum received the highest resonance. The Lyceum was the only secondary school in Minsk teaching all subjects in Belarusian. The lyceum was known for its high education standards. Starting from the spring of 2003 the Ministry of Education made numerous attempts to destroy the lyceum as an independent educational establishment, free from the ideological and propaganda control of the state bodies.

Regardless of the opinion of the teaching staff, the Ministry of education appointed Ms. Shcharbachevich the headmistress, who had no support of students and teachers. The conflict situation was provoked. Both the teachers and the students did not recognize the new head mistress and supported deputy head master Uladzimir Kolas. Then the Ministry of Education decided to liquidate the National State Humanities Lyceum, to assign students to other schools, and start reconstruction in the lyceum building. For over several months the students and teachers resisted the state bodies, the new head mistress, and the builders who started the reconstruction. The authorities used police SWAT teams against the students and just kicked them out of their building. However, this did not stop the recalcitrant lyceum. On September 1 the students started

the new academic year outdoors, then classes were moved to offices of different non-governmental organizations.

Yakub Kolas National State Humanities Lyceum continues to work underground. The officials did not manage to destroy the free school. During the whole period the students, their parents, and teachers were subject to great pressure. The authorities are violating the rights of children (more than 100 kids) to receive education in their own language, the labor rights of the lyceum teachers (they are all officially fired). Besides that, the Ministry attempted to ruin the unique system of students' self-governance. The situation around the National State Humanities Lyceum illustrates the political and legal regime established in the system of national education. The state administration in this sphere has the purpose to increase the state propaganda, to destroy the centers of free-thinking, and to limit and persecute the schools teaching in Belarusian. Simultaneously with the outrage against the National State Humanities Lyceum, in 2003 the authorities continued to decrease the possibilities to receive education in the Belarusian language.

A complex program of ideological education is introduced in both state and private educational establishments. All students are obliged to take the course «The Ideology of Belarusian Statehood», whose purpose is to bring up young people to submit to the authoritarian regime existing in the country, and to cultivate obedience and loyalty of the young generation. Remarkably, the central component of these courses is the personality cult of Alexander Lukashenka, who personifies the power. Ideological and propaganda courses are full of xenophobia, hatred for the political opponents of the incumbent President, non-acceptance of the democratic values, and neglect of the human rights. According to Lukashenka, the inspirer of these courses, those who do not share the President's opinion should not work in the educational establishments; they should be deprived of the right to teach in both state and private colleges and universities. According to the President, these people had better leave schools and universities on their own, otherwise they will be fired.

Students and teachers are subject to great pressure. Head of Krychaw district education board Mikhail Mazok warned school deputy heads for upbringing they were personally responsible for the negative opinions about the President, and about the state's internal and foreign policies, expressed in schools. Teachers were recommended to deliver only positive messages about events happening in the country. University teachers V. Silitski and A. Lawkovich were forced to quit their jobs because of their analytical articles on the political issues. A number of journalists, BAJ members, who lectured in the journalism chair of the private Institute of Modern Knowledge, had to leave their jobs under pressure of the administration.

The administration of schools and universities forces students to join the pro-presidential youth organization BRSM.

Former rector of Homel Medical Institute Yury Bandazhewski and his colleague, vice rector Uladzimir Rawkow, recognized the prisoners of consciousness, are still serving their prison sentences. Persecution of the former rector of the Belarusian State University is perceived as a new turn of the campaign to frighten the academic community. Alexander Kazulin, the former rector of the biggest national-level education establishment, was dismissed personally by the President. The President personally assigned the former Ministry of Education to the post of the BSU rector.

6. VIOLATION OF SOCIAL AND LABOR RIGHTS

In 2003 the state continued its policy to persecute the independent trade unions, uncontrolled by plant administrations. At the same time, the Federation of Trade Unions of Belarus, head of which is appointed personally by President Lukashenka, has become the tool of state control of the workers' movement. The Federation supports every decision made by the government.

The independent trade union of flying control officers refused to submit to the Federation and was liquidated on the suit filed by a prosecutor's office. The President of the Belarusian congress of democratic Trade Unions Alexander Yarashuk, who doubted fairness of the court decision in the press, was punished with 10 days of arrest for disrespect for the court.

In the conditions of persecution of the trade union movement strikes are one of the few methods to really defend the workers' rights. On March 16 private entrepreneurs announced a nation-wide strike. The authorities persecuted the entrepreneurs who took part in the strike. For example, in Salihorsk 16 strike participants were deprived of their business licenses. The police conducted an illegal night search in the apartment of the leader of entrepreneurs' movement Levanewski.

The strike of Vawkavysk taxi-drivers ended with the workers' victory. However, in order to achieve it they had to carry out a hunger strike against the obviously illegal actions of the authorities.

Disrespect of the Belarusian leadership for the human rights is also revealed in the fact that they did not pay any attention to the Resolution the UN Commission for Human Rights adopted on April 17, 2003. Despite appeals to stop repression and human rights violation, contained in the resolution, the Belarusian authorities just increased the

pressure on the structures of civil society, independent press, religious groups, and political opponents.

The country leadership does not meet their engagements under the International Covenant on Civil and Political Rights. Belarus had to submit the report about observance of the Covenant during the period of 1997-2001 to the office of the UN High Commissioner on Human Rights by the fall of 2001. However, this report hasn't been submitted still. There is no information if the report is being prepared or will be prepared in the future. This proves the fact that the Belarusian government ignores the international standards in the field of human rights.

CONCLUSIONS:

The year 2003 is marked by dangerous tendencies in the human rights sphere, which might lead to very negative consequences. Introduction of the «state ideology» is the evidence of strengthening of the authoritarian regime hostile to the very idea of human rights. The Belarusian government demonstrates the urge to conserve the status quo and reluctance to improve the situation. There is still a danger that the incumbent President will be able to act in defiance of the Constitution and secure his long-term and steadiness of his personal rule. This might happen through a referendum on withdrawing the time limitation of the President's power. The results of such referendum would be easy to falsify.

Thus, the situation in the human rights sphere in Belarus is characterized with steadily bad dynamics and demonstrates a firm deterioration tendency, which might lead to even more flagrant human rights violations.

PERSECUTION AND BAN ON ACTIVITIES OF NON-GOVERNMENTAL ORGANIZATIONS

On 14 January the Supreme Court of the Republic of Belarus considered the suit filed by the Belarusian Language Society against the Ministry of Justice that had issued a warning to BLS. The warning includes several items. One of them is about the installation of the Memorial Cross of Suffering in Lida region. The Ministry of Justice considered the Belarusian Language Society had no right to put up the Cross. Moreover, the BLS was charged with failing to indicate the full name of the organization in the promos within the month dedicated to the Belarusian language. This accusation is groundless because the promos featured a big BLS logo with the name of the organization, as is required by the Statute. The BLS's interests are represented by the lawyer of the Human Rights Center Viasna Uladzimir Labkovich.

On 29 January the Supreme Court considered the suit of Frantsysk Skaryna Belarusian Language Society (BLS) against the Ministry of Justice. BLS argued that the ministry's warning was illegal. At present one of the oldest and largest Belarusian public organizations has two warnings from the ministry. The law "On public associations" states that two warnings for the same violation during a year is a reason for liquidation of an organization. The first warning to BLS contained several points. One of them – about erection of the memorial Cross of suffering in the village of Belitsa (in Lida district). The Cross was set there to commemorate the Lida noblemen who perished in the 17th century, with the knowledge of the village Soviet. However, the Ministry of Justice was of the view that BLS had no right to set up the Cross. When BLS applied to court, the ministry started an additional check-up of the organization activity and consequently issued one more warning. The second warning was made for usage of inappropriate stamp by Lida branch organization of BLS. The court supported the opinion of the Ministry of Justice. Despite two warnings from the Ministry, the NGO chairman Aleh Trusaw is quite optimistic. He believes the NGO is not facing closure.

February 10 the Ministry of Justice canceled its warning to Frantsysk Skaryna Belarusian Language Society. BLS head Aleh Trusaw received a letter from the Ministry, which said: "According to the order of the Minister of Justice # 15 of February 5, 2003, the written warning to Frantsysk Skaryna Belarusian Language Society is cancelled".

On 11 April the Brest justice board filed a liquidation suit against Bara¬navichy city public association "Regional Development Agency "Varuta". They accuse the Varuta with breach of law and violation of the organization Statute. For instance, Varuta was charged

with mentioning an unregistered association in a newsletter, usage of unregistered symbols, and incorrect writing of its shortened name. The main claim was about the internal documentation, which contained words “public organization” instead of “public association”, as it should be according to the statute.

On 21 April Hrodna Regional Justice Board filed a suit for liquidation of Ratusha. It accused the organization of publishing activity. The main reason for liquidation was violation of the rules for keeping of typeset equipment (risograph Riso GR 3750). The Ratusha received notification about the criminal charges on 24 April 2003, the day when it celebrated 7 years since its registration.

On April 21 the Supreme Court of Belarus received a suit to liquidate the national public association “Youth Christian-Social Union”. According to the Ministry of Justice, materials received during examination of the congress in the fall of 2002, were a sufficient reason to liquidate Youth Christian Social Union (YCSU). At the congress a number of United Civic Party members joined the organization, which changed its name to YCSU-Young Democrats. The organization is accused of conducting educational programs, which, according to the Ministry, contradict the Statute goals of the organization, which are determined as “cultural and enlightening”. The case was submitted to the Supreme Court on April 21, 2003.

On 29 April in Minsk the press conference on the liquidation proceedings launched against three large public associations took place. The process of liquidation simultaneously concerned three NGOs: Hrodna Regional Public Association Ratusha, the Public Association «Regional Development Agency «Varuta» (Baranavichy) and the PA «Youth Christian Social Union» (Republican organization). Ales Milinkevich, head of Ratusha, Volha Kharlamava, head of the Board of the Regional Development Agency «Varuta», Andrei Kazakevich, vice-head of the Youth Christian Social Union, Ales Bialatski, head of the Working Group of the Assembly of NGOs of Belarus and Yury Chavusaw, lawyer of the Executive Bureau of the of the Working Group of the Assembly of NGOs of Belarus, coordinator of the collective defense network of NGOs participated in the conference. Besides, the press conference was attended by representatives of numerous non-governmental organizations.

At the end of April the Civic Initiatives resource center from Homel, one of the leading non-governmental organization in the country, became the forth victim of the cleansing. Officials think the organization has a number of faults: the association has violated the rules of record keeping (the organization’s letterform allegedly does not comply with the standard). The Civic Initiatives are also accused of observation of the

local election, using granted office equipment for wrong purposes. After the presidential election campaign in 2001, the police seized all equipment from the office of the Civic Initiatives. The equipment has never been returned.

On 2 May court started hearings of the liquidation case against the Regional Development Agency Varuta.

On 14 May the Chamber of Representatives passed amendments to the Law on non-governmental organizations and political parties. The amended law makes it possible to close down a party or an organization in case it makes one violation of the legislation on mass actions. The amendemnts, proposed by the Ministry of Justice, are based on the presidential decree. The parliament discussed it twice on their sessions, but passed it only yesterday.

On May 19 there was a hearing at which the members of the unregistered organization argued against the decision of the Department of justice on the refusal to register the "Circle of initiative youths". The senior clerk of the Homel regional Department of Justice Tamara Stryzhneva decided that the documents submitted for registration didn't comply with the existing legislation. Besides that, Stryzhneva stressed that the founders of the new organization were members of the Youth Center "Hart", which, in her opinion, meant the new organization was not going to observe the law. The association's chairperson Yunela Salnikava plans to address prosecutor's office with a private plea, claiming that by her public statement Tamara Stryzhneva violates article 22 of the Constitution (which guarantees equality of all individuals before the law), as well as article 36 (right to freedom of associations).

On 19 May Norwegian Helsinki Committee and International Helsinki Federation expressed their protest against pressure on non-governmental organizations of Belarus and demanded to stop persecution of NGOs. Serb organization Civic Initiatives adopted a statement against attack on the Belarusian NGOs. Polish non-governmental organizations also expressed their protest against liquidation of NGOs in Belarus. They urged the Belarusian authorities to respect the right to associations and follow Art 22 of the International Covenant on Civil and Political Rights, ratified by the Republic of Belarus.

In the beginning of June we learned that Hrodna regional NGO Ratusha faces liquidation for publishing activities without a special license (one of the evidence is a collection of Belarusian folk songs, printed on a copying machine). The court started and suspended the hearing until the trial over Ales Milinkevich, the Ratusha head. The

Regional Development Agency Varuta (Baranavichy) faces closure for using the short name of their organization in their internal documentation. The trial was started – and was postponed to further investigate the case materials. Hearing on liquidation of Homel Civic Initiatives was postponed till 9 June.

On June 17 the Homel regional court ruled (Judge Krawchanka) to shut down the public association Civil Initiatives, as requested by the regional justice department. The latter claimed that in the course of their inspection they revealed facts of systematic violations on part of the Civil Initiatives of both their own statute and the country's legislation. Although during the complex check-up (in January 2003) none of such violations were disclosed by the tax inspectors, the court found the Civil Initiatives association guilty all the same. Moreover, the jury found out that the organization issued and distributed agitation flyers, violated the organization's statute and arbitrarily expelled its members, as well as set up such organizational structures as resource, expert-analytical centers and youth club. Because of these conclusions, the court ruled to liquidate the public association Civil Initiatives. The organization's leader Viktar Karniyenka and its attorney consider the judicial ruling to be biased and are preparing to file a counter-appeal to the Supreme Court.

In June the authorities started the fourth check-up in the Human Rights Center "Viasna". The first check-up was conducted by the Justice Board of the Brest Regional Executive Committee (REC) in March 2003, immediately after the election to local Deputy Soviets, and concerned the Brest regional branch of "Viasna". As a result of the check-up the duty officials composed a report, pointing at a number of defects in the organization record keeping and passed it to the Ministry of Justice for reaction. In some time the Justice Board of Minsk REC got interested in the activity of the Minsk region branch of "Viasna". However, the check-up wasn't conducted, as "Viasna" board had liquidated the branch several weeks before. Last week the check-up of Vitsebsk regional branch started. Talking with the branch head Mikhail Pawlaw the Head of the Justice Board said that he had no grievances against the organization's activity. However, the Justice Board did not present any official results of the check-up. On 26 June the Justice Board of Homel REC started the check-up of Homel regional "Viasna" branch. Taking the situation of the third sector into consideration, the Human Rights Center "Viasna" had serious apprehensions that it would be the next to face repression.

In July the fifth check-up of the activity of Public Association «Human Rights Center «Viasna» has started. The four previous check-ups concerned regional branches of the PA HRC "Viasna", Vitsebsk, Brest and Homel city branches and Minsk regional branch (the latter was liquidated on decision of "Viasna" Board). The wave of check-ups started

immediately after the election to Local Deputy Soviets. At present the Ministry of Justice decided to carry out the complete check-up of “Viasna” activity to find whether the organization statute corresponds to the acting legislation. Valantsin Stefanovich, lawyer of the HRC “Viasna” commented on it in the following way: “We will have to submit to the Justice Ministry minutes of all sittings of our governing bodies including the General Assembly and list all the events that we took part in. It happens so that our NGO, registered in 1999, gets checked up every year: in 2001 there was an unscheduled check-up after the Presidential election, in 2002 – the scheduled check-up, at present – another unscheduled one. These are complete examinations of all our fields of activity”.

On 9 July Brest Regional Court satisfied the suit of the Justice Board of Brest Regional Executive Committee to liquidate Baranavichy city public association “Regional Development Agency “Varuta”. Brest Regional Court started the hearing in April 2003, but the plaintiff requested suspension after several sittings. The justice board charged Varuta with breach of law and violation of the organization statute. For instance, Varuta was charged with mentioning an unregistered association in a newsletter, usage of unregistered symbols, and incorrect writing of its shortened name. The main claim was about the seal, which contained words “public organization” instead of “public association”, as it should be according to the statute. Ludmila Vasilevich, representative of the regional prosecutor’s office, agreed only with the last accusation. She thinks that there are some juridical differences between the terms “organization” and “association”. Judge Dzmitruk ruled to liquidate Varuta for the wrong word on its seal. Ihar Tyshkevich, head of Varuta Board considers the judgement illegal and is going to complain against the court decision.

On 9 July the board for civic cases of Hrodna regional court considered the complaint of Ales Milinkevich. Milinkevich, head of the Ratusha resource center, complained about the decision of Leninski borough court, which had found him guilty of «violation of the rules of keeping typeset equipment». The court of appeals acknowledged that Leninski borough court had made its decision with serious violations. The board of three judges pointed out that, despite serious violations of the procedure made by the court, the Ratusha still possessed an unregistered risograph, which was a violation. Thus, the board decided that the decision was essentially correct. The decision of Leninski borough court was left in force. That means the liquidation case against the Ratusha may resume any day. The trial had been put off until the decision on Milinkevich’s case came into force. Yury Chavusaw, coordinator of the collective defense network of NGOs, says: «The Ratusha case is clearly a political one. The authorities are cleansing all sources of free-thinking, which they cannot control. They persecute all

alternative sources of information – independent mass media, NGOs, Internet-editions. NGOs are just one of the targets of their «ideological work» The Ratusha case is practically hopeless, because the NGO head Ales Milinkevich was found guilty».

On 23 July the justice board of Homel Regional Executive Committee demanded additional documents from Homel regional women's association «Initsyatyva», established in September 1999 by women from 9 districts of Homel region. According to Halina Skarakhod, the association Head, they expected the end of the check-up, but the inspectors of the justice board suddenly demanded additional documents. For instance, they demanded the papers confirming the existence of the association's organizational bodies in other areas. Such thorough study of the women's organization is probably a result of the active position the «Initsyatyva» demonstrated during the Presidential electoral campaign of 2001. For instance, all activists of the 9 districts participated in the election monitoring. Halina Skarakhod also thinks that the authorities may be afraid that the organization members will demonstrate similar activity during the upcoming referendum and take such preventive measures. «The authorities can also consider our organization as the successor to the closed «Public Initiatives». Our organization was established in 1999 as the women's program of the liquidated association. Maybe they consider our organization as the one on behalf of which the liquidated association could fulfill a part of its programs», — says Halina Skarakhod.

On 25 July it became known that the Justice Board of Vitsebsk Regional Executive Committee launched liquidation proceedings against the Center of Youth Initiatives "Kontur". The reason for the legal action was that the board hasn't resided in the registered office since August 2000. The association has also been charged with violations of Presidential Decree No. 8 and the taxation laws (the justice body took the opinion that the association was using foreign non-profit support without appropriate permission). The Kontur was registered in 2000. It served as a regional resource center assisting other NGOs of Vitsebsk region. During the presidential election of 2001 the Kontur took an active part in the get out the vote campaign. In the beginning of 2002 the Kontur head Yury Korban disappeared, his fate is still unknown.

On 28 July the Justice Board of Mahilow Regional Executive Committee didn't register the youth association «Children's Legal Support» as its organizers didn't manage to receive the certificate of the legal address. With the assistance of Mahilow human rights activists 14 students of the upper school grades established a youth human rights organization. In June the youngsters issued their newspaper «Azirnisia», familiarized teenagers with the Law on children's rights and helped to organize their leisure time. Referring to this law, young human rights activists tried to register their organization.

However, their initiative wasn't supported by the local authorities. The officials of the Justice board explained to the children that they could find a room for the legal address only at an educational establishment. Meanwhile, Valery Bahdanaw, Head of the regional justice board, refused to issue the certificate of the legal address referring to the fact that the organization Head, Volha Haroshka, was under age.

On 31 July Vitsebsk Regional Court ruled to liquidate public association "Center of Youth Initiatives "Kontur». Siarhei Siarebra, Kontur chairperson believes authorities attacked them because of their informational activity: "The authorities wanted to kill two birds with one stone. On the one hand, they liquidate an organization, which works as a resource center and helps to develop the third sector in our region. On the other hand, Kontur is the founder of The Vitsebskaya Trybuna independent newspaper, so by closing "Kontur" the authorities aim at closing the newspaper".

On 29 July Belarusian Organization of Working Women received a written warning, signed by the first vice-Minister of Justice, Mr. Petrash. Last ¬week the first check-up during the organization's entire history was held by Natalla Kebikava, chief specialist of the Board of Public Associations at the Ministry of Justice. As a result, Belarusian Organization of Working Women was warned for alleged violations of its own Statute, the law "On Public Asso¬ciations" and other legislative acts. For instance, the organization was accused of deficient record keeping, violation of the instruction about production and keeping of seals, printing the wrong legal address on the organization letter head and creation of bodies not described by the Statute. Maria Aliyeva, Head of the Board of "Belarusian Organization of Working Women" says: "It is the first check-up, but they didn't give us any time, and warned at once. If the state is interested in qualified record keeping, it should treat public associations somewhat milder". It's worth mentioning that Belarusian Organization of Working Women is an active participant of "Our Solidarity" campaign, initiated by member-organizations of the Assembly of NGOs. This month it has been the third victim among the campaign members. "The present warnings are a preventive measure for intimidation of the broadest circles of active and large public associations. We try to follow all the check-ups of NGOs and see that all recent ones have ended with warnings. The Ministry of Justice does not hide its attitude. After the first warnings it will issue the second ones or decide to liquidate an NGO at once", — thinks Alena Tankachova, chair Independent Society for Legal Research NGO.

On 2 August the Legal Assistance to Public NGO received a letter from Minsk City Court which stated that the court had to consider the suit of the Justice Ministry's Board for liquidation of the association. "Legal Assistance to Public" is one of the biggest human

rights organizations n Belarus. Since 1998 it has given legal support to 4 000 people with low income. During the last three years it actively represented interests of disabled people, war veterans, single mothers, underage and unemployed persons at trials. The monitoring of the trial informed the public about numerous gross violations of citizens' rights by the State and described drawbacks of the law machinery and the governing bodies. The organization became even more popular due to participation of its representatives in the cases of kidnap of the ex-Minister of Internal Affairs Yury Zakharanka, vice-speaker of the Supreme Soviet Viktar Hanchar, the businessman Anatol Krasowski and the ORT cameraman Dzmitry Zavadski, in the case of the great life loss at the pedestrian underground crossing of the "Niamiha" tube station as a result of the police negligence. The public observers, prepared by the organization, monitored the Presidential and the Parliamentary elections, the election to Local Deputy Soviets. The organization also maintains educational activity, has issued about 20 books and brochures. The association activity in this direction was noticed by the control bodies. In September 2002 the Justice Board of the Justice Ministry made a check-up of the association statute activity. On 18 September 2002 the association received a warning that stated that "Legal Assistance to Public" had no right to represent peoples' interests at trials. This warning was complained against to Minsk City Court that found the warning lawful. On 17 March 2002 the Minister of Justice ordered to deprive Aleh Volchak, the association Head of the license for providing legal service. Aleh Volchak found it out only in half a year. For this year the Justice Ministry has carried out no check-ups and the association members wonder what the liquidation suit could be grounded on. They think that such actions of the Justice Ministry are directed at depriving human rights activists of the possibility to give prompt and qualified legal assistance. They believe the authorities, preparing for the referendum on changing of the Constitution and prolongation of the Presidential powers, intend to exercise complete control of activity of human rights and other public organizations that work with the broad sectors of the public.

On August 12 Volha Zakharanka addressed the Minister of Justice of Belarus with the request to withdraw the claim for liquidation of the human rights organization Legal Assistance to Public. In her letter Volha Zakharanka writes: Dear minister, our family has found out with anxiety that Minsk city court is to consider the civil case under the claim of Justice Department of Minsk City executive committee for liquidation of Public Association Legal Assistance to Public. Our family is concerned about probable liquidation of this organization because representatives of Legal Assistance to Public have rendered assistance and continue to support our family after abduction of my husband and the father of our children, ex-minister of the Ministry of Internal Affairs of Belarus, Yury

Zakharanka. Moreover, as our family at present is outside Belarus, chairperson of Legal Assistance to Public Aleh Volchak is our representative in the country. The mother of Yury Zakharanka shares our concern, as well as the families of the kidnapped Viktar Hanchar, Anatol Krasowski and Dzmitry Zavadski. We ask you to withdraw the given claim for liquidation of Legal Assistance to Public.

On August 13 Liberal Democratic Party received a warning from the Justice Ministry. The warning is based on the ground of the results of the check-up, carried out by the Ministry of Justice in July. The Justice Ministry claims, a number of LDP branches have violated the organization's Statute. For several years they did not carry out general meetings of their members. Besides that, the Ministry claims LDP provided it with wrong information about the number of its members. Liberal Democratic Part leader Siarhei Haidukevich does not agree with the conclusions, made by the Ministry officials and considers the warning "legally ungrounded".

On 14 August the Board of the Supreme Court upheld the decision to liquidate Homel non-governmental organization Civic Initiatives. Homel regional NGO Civic Initiatives was closed down on 17 June by Homel regional court. Now the court decision has come into effect. The organization has to start the process of liquidation. The prosecutor agreed with the fact that the main claim against the NGO – unintended use of foreign grants – is ungrounded. According to the prosecutor, it is impossible to prove that promotion leaflets and NGO's newsletter have been printed on the equipment received from foreign partners of the Civic Initiatives. That's why the prosecutor addressed Homel regional court with the request to remove this charge from the decision of Homel regional court. However, the Supreme Court left the original decision unaltered. Let us remind you that the Civic Initiatives was closed down on the following grounds: alleged administrative irregularities (the letterhead does not meet the standards), organization of educational seminars, participation in observation of the local election, and alleged usage of equipment, granted by foreign partners, for wrong purposes.

In the middle of August Homel regional women organization "Initiative" received a warning on the results of the check-up, organized by local Justice Department. The "Initiative" organized a civic campaign in support of the Civic initiatives, which were being closed down. They informed Homel residents about the trial and unfair court decision, and collected signatures in support of the NGO. Now they received a warning themselves. The official reasons for the warning are: the seal did not meet the requirements of the Instruction on Functioning of the seal enterprises and violation of

the housing legislation (the legal address of the NGO was the same as the resident address of its head).

On August 20 the Justice Ministry gave an official warning to Belarusian Helsinki Committee. The letter, signed by the first deputy of the Minister Alexander Petrash, says Belarusian Helsinki Committee, "in spite of verbal claims of the registering body", uses letterheads and seal, "which do not meet the requirements of the organization's Statute". In case the Justice Ministry issues the second warning for the same violations, it may start the liquidation procedures. The text of the warning does not contain any concrete claims. It only refers to various instructions of the Ministry of Internal Affairs and Committee of Archives and Record Keeping. Alexander Kharyton, staff member of the Justice Ministry, who checked BHC, clarifies, that the main reason for the warning is lack of one inverted comma in the organization title on the letterhead and the seal. BHC points out that the Ministry of Internal Affairs supervises production and keeping of seals. BHC seal was registered in 1995. Since that time Internal Ministry has had no claims to their seal or stamp. BHC stresses extremely unfavorable conditions for activity of NGOs in Belarus. At present NGOs take great efforts and spend most of their resources to satisfy claims of the Justice Ministry instead of following their Statute goals.

On 25 August the Main Board of the Union of Poles in Belarus received a warning from the Justice Ministry. The warning was signed by the vice-Minister of Justice Petrash. The Union of Poles was charged with violations of the law "On Languages" and the law "On public associations". For instance, "a number of the documents are written in the Polish language". The organization name on the letterhead and the seal are also in Polish. It was also pointed out that the Union of Poles has some unregistered bodies. The Main Board of the Union is required to correct all inaccuracies as the Ministry has "enough reasons for its liquidation through court". Jozef Parzecki, vice-chair of the Union, says: "The documents, submitted to the state bodies, are in Belarusian or Russian. Our internal documentation is in Polish". Mr. Parzecki points out that the Law on national minorities gave them such a right. The letterhead and the seal are in two languages, Polish and Belarusian. The Polish minority is going to fight for their rights. They have already addressed the Polish Embassy and the consulates, asking for help. They might also complain against the warning to the Supreme Court of Belarus.

In August the Lew Sapeha Foundation received a warning from the Justice Ministry. The Ministry decided that Mahilow branch of the NGO had violated the law by letting members of unregistered organizations participate in the seminars. Uladzimer Shantsaw, head of Mahilow branch of Lew Sapeha Foundation, explained the organization had carried out seminars together with Jan Busch, activist of the German Young Socialists. Jan

Busch was deported from Belarus for political reasons. “We were punished for cooperation with a German expert, although all claims of the authorities are artificial. The law does not prohibit anybody from taking part in seminars. The Justice Ministry is obviously executing the order, which came from the “top», — Uladzimer Shantsaw says.

In August the Belarusian Social Democratic Party “Narodnaya Hrama¬da” received a warning from the Justice Ministry. The reason is the legal address of the party, which is located in an apartment house. This is prohibited by the current legislation. Formally the Justice Ministry has all reasons to issue a warning, admits Mikola Statkevich, the party leader. However, it is practically impossible for a political party to find an office in an office building and register the legal address there. The party leadership informed the Justice Ministry one month ago about their plans to move the legal address of the party to Brest, where they have an office in an office building. However, the Ministry did not take these circumstances into account.

In August the new law on mass actions was passed by the parliament and signed by Lukashenka. The Law has significantly limited street activities of political parties. Political opposition party leaders say the new law is a part of the government strategy in preparation to the parliamentary election and referendum. The leaders are working on their resistance plan. Under the new law action organizers are to pay for the work of the police, ambulance and municipal services during the actions. This goes not only for political events, but also culture and religious ones. Any breach of public order during a rally or a procession might lead to liquidation of the party organizing the event. The law imposes serious restrictions on the rights of political parties during election campaigns. However, these provisions of the law have no effect in case an event is organized by the state bodies. Belarusian Popular Front leader Vincuk Viacorka comments: “This law is nothing but an attempt to outlaw all street events in the country, to make any mass action gathering more than three people eligible for repression. This is an element of their strategy for the election 2006. Together with other strategic policies of the authorities – persecution of the mass media, destruction of free-thinking schools, liquidation of non-governmental organizations – it comprises a vivid picture of a growing dictatorship”. United Civic Party leader Anatol Labedzka thinks the parties need to work out the tactics to resist the new law: “The regime demonstrates nothing else but weakness. Earlier Lukashenka loved to flaunt on the TV, saying the Belarusian opposition was so weak he was ready to carry it shoulder-high. Well, we haven’t heard anything like that for quite long… We just see him attempting to narrow down the legitimate field of his opponents’ activity. Lukashenka has chosen the strategy of creating a pre-emergency state in the country. However, that does not mean the parties are going to stop their

street activities. I believe political parties are strong enough to work out a joint strategy of resistance to the new law". Alena Skryhan, secretary of the Communist Party in opposition agrees: "The law was adopted primarily because of the upcoming parliamentary election and possible referendum. The authorities are cleansing the political field. They are looking for grounds to liquidate the Belarusian political parties as soon as possible. We are thinking of the ways to resist. The authorities push the parties to holding unauthorized mass actions. The political parties are going to make a joint decision about that matter". By the way, the Communist Party leadership stood up with the demand to revise the Law. The communists are also going to appeal to the Constitutional Court in that matter.

On 2 September the Ministry of Justice filed with the Supreme Court of the Republic of Belarus a liquidation suit against the Human Rights Center Viasna. The violations included into the Ministry's suit fall short of substantiating the liquidation proceedings. The Law of the Republic of Belarus «On Public Associations» says that an organization may only be liquidated subject to receipt of two warnings issued by the Ministry of Justice for the violation repeated within a year. The Human Rights Center Viasna has not received warnings issued by the Ministry of Justice of the Republic of Belarus since August 2001. The main reasons for liquidation mentioned by the Ministry of Justice are violations which were allegedly committed in 1999 during the organization's registration. What is surprising is that the "violations" were only found out after Viasna had been active for four years, having gone through several Ministry of Justice checkups conducted in 2001-2002 and failing to highlight those violations. At the same time the liquidation suit doesn't even mention the results of the latest checkup on the organization's activities conducted by the Ministry of Justice from March till September 2003. Yet another liquidation reason indicated in the suit is appearing for Belarusian citizens in court. As regards this accusation, the Organization's Statute of 1999 allowed legal, advisory and other assistance to individuals that apply to the organization. Besides, the Criminal Code of Practice of the Republic of Belarus which had been in effect until 2001 provided for the capability to act as a public defender. The suit also says that the association violated electoral legislation in 2001, namely, the Resolution of the Central Committee of the Republic of Belarus on Elections and Republican Referenda that a day before the election of the President of the Republic of Belarus that stripped 2000 observers-members of Human Rights Center Viasna of the accredited status in the polling stations. The organization members are concerned about the present initiative aimed at liquidating the NGO which has been consistent in monitoring elections and electoral campaigns.

On 3 September it became known that the board of public associations at the Ministry of Justice has almost simultaneously sued for liquidation of the NGO 'Women's Answer" and the NGO "Belarusian Foundation "Cassiopeia". Among the reasons for liquidation of the "Women's Answer" the Justice Ministry mentioned that the association office wasn't situated in the place of the legal address and that its seal differed from its adopted model. "We didn't expect the liquidation case, as on 20 May we took our amended documents from the ministry, registered the new legal address and solved the problems with the seal and the letterhead. Such official actions against NGOs can be connected to preparation either to a referendum or to the Parliamentary election, but the reason for liquidation of all organizations that pursue any kind of activity is doubtlessly political", — said Sviatlana Karalova, Head of the "Women's Answer". The only claim the NGO accepts as legal is that the firm that made the seal for it made a mistake when copying the seal from the adopted model. All the other ones, according to Sviatlana Karalova, are incomprehensible and groundless. Among the claims of the Justice Ministry against the "Belarusian Foundation "Cassiopeia" are that the symbols on the seal differ from the registered ones, the legal address of the organization is the flat of a member of the association and the standards for letterheads are violated. The ministry mentioned also cooperation with unregistered organizations and other violations of the Electoral Code of Belarus. "When we read about cooperation with unregistered associations, we thought they meant the Assembly of NGOs of Belarus, but it is just a gathering of associations which are the same legal persons as we are. If they mean our participation in the women's Forum, it is a collective measure and our participation in it contradicts neither to our Statute nor the present legislation. We can't understand at all how we could violate the Electoral legislation. We didn't nominate any members of electoral commissions, observers or candidates. The fact that we weren't given even a month for correction of the violations witnesses that the Supreme Court will rule to liquidate our association. All actions of the official bodies witness that the liquidation case is political. It is connected not with specific violations, but with the names of our founders: Sviatskaya, Siamdzianava, Bakach, Lawrowskaya. The authorities obviously clear up the NGO field, preparing for some new campaign", — said Valantsina Sviatskaya, Head of the PA "Belarusian Foundation "Cassiopeia".

On 8 September at about 4 p.m. Natalla Zhupikava, Judge of Minsk City Court, ruled to liquidate a human rights organization — the "Legal Assistance to Public" NGO. The trial over the Legal Assistance to Public was to have started on 5 September, but the office room of Natalla Zhupikava was too small for all the people who wished to attend the trial. The defendants, in their turn, insisted that all the people who wanted to get to the

trial were to be provided with such possibility. That's why Judge postponed the trial to 8 September. However, on 8 September the trial was conducted in the same room. The police convoy let in only the OSCE representatives, representatives of the Justice Ministry and the defendants. The rest, including representatives of Belarusian human rights and other public organizations, foreign embassies, wives of the missing journalist and the businessman, Sviatlana Zavadskaya and Iryna Krasowskaya, journalists and common citizens had to stay outside. The defendants, including Aleh Volchak, head of the Legal Assistance to Public, refused to participate in the "open trial" and stayed with the people outside. Soon it was found out that the Judge, ignoring the absence of the defendants conducted the trial and ruled to satisfy the suit of the Justice Ministry for the liquidation of the Legal Assistance to Public.

On September 8 the justice board of Minsk City Executive Committee warned the "Educational Center "Post" NGO. Zmitser Karpievich, head of the NGO board, said the warning was issued as the organization office wasn't situated in the place of the legal address.

On 17 September at the Embassy of Lithuania the meeting of the Ambassadors from the countries of the European Unions and the countries that are candidates to it with representatives of the NGOs of Belarus took place. Such NGOs as Belarusian Language Society, Human Rights Center "Viasna", Belarusian Association of Journalists, resource center "Supolnasc", "Legal Assistance to Public", "Ratusha" (Hrodna), "Vezha" (Brest), "Kola Siabrow" (Mahilow) etc. took part in it. The reason for the meeting was the complicated relations between Belarusian NGOs and authorities. At the meeting members of NGOs spoke about the trials on liquidation of NGOs in Belarus and other pressurization techniques, applied by Belarusian authorities. All of them agreed that the authorities try to get rid of the public control of the future Parliamentary election and the possible referendum about the prolongation of Lukashenka's powers. Leaders of the NGOs stated that their organization, irrespective of the fact whether their juridical status was or was not preserved, would actively continue their work on strengthening and development of the civic society. In their speeches the Ambassadors expressed their moral support to the NGOs and expressed the hope that sooner or later Belarus will join the community of the European countries.

On 22 September Justice Department of Homel regional executive committee warned the Karani NGO. The Karani is a local NGO from Loyew, Homel region dealing with environmental issues and promoting historical and cultural heritage of the region. The organization received the warning one month after the end of the check-up, carried out by Homel Justice Department. The report on the check-up results indicated only

minor inaccuracies in the work of the NGO and had no legal consequences. However, one month later the NGO received an official warning for having its legal address in a private house, which is prohibited by the acting Code on Housing. The Karani members believe the warning was not incidental. Search for a new legal address is complicated not only by objective reasons, but also by uneasy relations of the NGO with the local authorities. The parties have absolutely different opinions on the issue of protecting historical heritage of Homel region.

On September 22 the trial over the Lutskevich Brothers Foundation was to have started. However, it was postponed until October 14 because of the new claims of the Justice Ministry. In the first suit the Justice Ministry claimed the NGO was located at the address different from the legal one. The second claim was violation of the Statute (twice the name of the NGO was not preceded by words “public association”), and violation of the Presidential Decree #2 of January 26, 1999 ”On some measures to regulate activities of political parties, trade unions, and other public associations”. The suit also contained the words: “and other violations”. That caused suspension of the trial. During the pretrial hearing Anatol Hurynovich, head of the Foundation, asked the other party to explain what were the “other violations” they committed. Alexander Kharyton, expert of the Ministry’s Department of NGOs, said there were no “other violations”. However, later Hurynovich learned from the Supreme Court Judge Babkow about new claims added to the suit. The Ministry of Justice managed to find “other violations”. The officials recognized the congress of 1999 to be illegitimate and all its decisions legally invalid. Thus, in 1999 the Justice Ministry re-registered the NGO illegally. In addition, the NGO is accused of environmental protection activities and having a discussion club within their Baranavichy branch, which allegedly contradicts the Statute. And the last claim – allegations that the stamp of the NGO does not meet the requirements of the regulations of stamps producing and keeping. Anatol Hurynovich asked for the time to read through the new suit and prepare for the trial. The hearing was postponed to October 14. Yury Chavusaw, coordinator of the system of collective defense of the NGOs of Belarus points out that the factual content of the suit is to a great extent based on the materials, received by the Ministry of Justice from the organization as an answer to the ministry inquiry. It’s worth mentioning that such inquiries have been filed to dozens of other public associations. That’s why soon many other associations might face liquidation. The Lutskevich Brothers Foundation is the 10th NGO against which the ministry has filed the liquidation suit in recent months.

On September 23 the Supreme Court held the first pretrial hearing on Viasna liquidation. During the pretrial hearing the parties stated their positions. Viasna was

represented by its chairperson Ales Bialatski, lawyers Valiantsin Stefanovich and Uladz Labkovich. Neanila Fishkina represented the plaintiff (the Justice Ministry). Judge Valiantsina Kulik presided at the hearing. Judge Valiantsina Kulik asked the Justice Ministry to specify their suit. She decided to hold the second pretrial hearing which will take place on September 30.

On September 25 at 8.30 a.m. NGOs participating in Our Solidarity campaign carried out an action of protest against liquidation of non-governmental organizations in Belarus. About 50 members of NGOs, which have been closed down or are in the process of liquidation, participated in the action, which took place near the building of the Justice Ministry. The goal of the action was to demonstrate disagreement with the Justice Ministry's actions which only executes the political orders of the authorities. People in white mantles with the names of the liquidated organizations on them created a "live corridor" at the entrance to the Justice Ministry. During 30 minutes they silently watched the Ministry officials and employees going to work. Members of the following NGOs took part in the action: "Vezha" (Brest), "Ratusha" (Hrodna), "Civic Initiatives" (Homel), "Education Center "Post", "Independent Society of Legal Research" (Minsk), the Human Rights Center "Viasna", the Belarusian Students Association, and the Legal Assistance to Public.

On September 30 the Supreme Court held the second pre-trial hearing on Viasna liquidation case. Judge Valiantsina Kulik set the date of the trial – 21 October 2003 at 10 a.m. in the building of the Supreme Court. During the first day of the trial the Judge will hear explanations of the plaintiff and the defendant on the issue of violation of the organization Statute (non-payment of membership fees, failure to create Minsk city organization), and court representation of citizens, who are not members of Viasna.

On October 1 the Independent Society of Legal Research filed an appeal against two written warnings made by Minsk Justice Department. On 29 August the Justice Department of Minsk city executive committee made the second warning during the last two months. The NGO was warned because its Council chair A. Tankachova and Council member V. Smalianka allegedly interfered into activities of the state body (the Justice Ministry), when it was checking Next Stop New Life NGO. They also allegedly represented this NGO before the Justice Ministry. On 5 September 2003 the Justice Department made the third written warning to the NGO for "actions, connected with participation in activities of the unregistered organization Association of Non-Governmental Organization, which publishes the Assembly magazine". The May-June issue of the Assembly magazine contained an article "Check-Ups at NGOs", written by the

Independent Society for Legal Research. The NGO members consider the accusations false and absurd and ask the court to cancel the warnings.

On 1 October the Justice Board of Minsk City Executive Committee filed the suit for liquidation of the "Independent Society for Legal Research" to Minsk City Court. During the last two months the "Independent Society for Legal Research" has received three warnings. On 1 October the NGO filed a complaint against the last two warnings to Minsk City Court. On that very day the organization found out that the Justice Board of Minsk CEC filed the liquidation suit against it.

On 6 October the college board of civil cases at the Supreme Court considered the complaint of the Belarusian Helsinki Committee (BHC) against the written warning to the BHC, issued by the Ministry of Justice for usage of the blank, stamp and seal where "the organization name doesn't correspond to the statute one (the quotation marks are absent) and for the usage of the English variant of the name together with the Belarusian one on the seal. In its complaint the BHC stated that according to part 1 of Article 28 of the Law "On public associations" a written warning can be issued to a public association for the actions that are incompatible with the legislation demands. Absence of the quotation marks can be qualified only as a violation of the punctuation rules, not as a violation of the Statute or the legislation. According to Article 31 of the Law "On languages" the organization's official name can be presented in other languages, if necessary. The stamp and the seal, used by the BHC, have been agreed with the bodies of the Internal Affairs Ministry and produced in 1995 in accordance with the normative acts of that time. They were also used during the re-registration of the association in 1999. Conducting its yearly check-up, the Ministry of Justice didn't point at the violations concerning the BHC stamp and seal. BHC has always promptly corrected the mistakes mentioned in the oral admonitions. The BHC believes that the written warning was issued by the Ministry of Justice with the violation of the procedures of administrative responsibility. The BHC is of the opinion that the actions of the Ministry of Justice on issuing the warning contradict to the demands of Articles 25-28 of the Law "On public associations" and the constitutional guarantees of liberty of association and the international commitments of Belarus. Such limitations violate the demands of Article 22 of the International Covenant On Civil and Political Rights as they can't be found necessary for defense of the State or public security, public order, protection of health and/or morality of the population or protection of rights and liberties of other persons. The prosecutor who has participated in the trial confirmed the insignificance of the violations, but pointed that the Ministry of Justice had the right to issue written warnings for any violations. He also pointed that the non-qualified execution of its functions by the

Ministry of Justice gives the court the reason to issue it a private admonition, but Judge Ala Sakalowskaya didn't support him. Referring to the arguments of the Ministry of Justice, the court rejected the BHC complaint. It also evaded from evaluation of the punishment given to the BHC. As press-service of the BHC says, the Belarusian Helsinki Committee is going to complain against the court decision at the national and the international level.

October 7 we learned that Homel Association of Children and Youth faces closure. After the check-up of its constituent documents Tamara Stryzhneva, main specialist of the Justice Board of Homel Regional Executive Committee, decided that the association should be closed. According to the Justice Board resolution, the association failed to periodically conduct its assemblies and sittings; there are violations of the procedure of enrolment of new members; the seal doesn't correspond to the requirements. The main thing is that the check-up didn't confirm the regional status of the NGO. That's why Ms. Stryzhneva decided that the association systematically and grossly violated the legislation and its own statute and was to be liquidated. Uladzimir Kowzelew, head of the association, thinks that it is nonsense to liquidate the organization that cooperates with the local authorities on the branch of ecology and is even a member of the coordinating board at the Ministry of natural resources for violations in the record keeping. According to him, this situation won't have any negative effect on the association activities and its nearest plans in particular.

October 7 Hrodna region Prosecutor's office reversed the ruling of investigator Eduard Zubarevich to abstain from charges against Tadevush Kruchkowski, head of the Union of Poles in Belarus, and Liudmila Sido, director of the UPB Trade and Industry Chamber Ltd. So, the check-up of UPB continued. The Prosecutor's office was dissatisfied with the results of the previous check-up, conducted by the Anti-corruption Board of Hrodna Regional Executive Committee. The check-up was found incomplete and the Prosecutor's office asked investigator Zubarevich some more questions, such as whether Tadevush Kruchkowski and Liudmila Sido founded any firms. Sources from Hrodna Regional Prosecutor's Office say that the case is under the personal control of Vasil Litvinaw, Prosecutor of Hrodna Region.

On 7 October the Supreme Court of Belarus started trials on liquidation of two women's associations, the "Cassiopeia" Foundation and the "Women's Answer" NGO. The Ministry of Justice charges them with violations of the legislation that regulates activities of public organizations. Heads of the organizations consider such accusations groundless and politically motivated. In the beginning of the court sitting on the liquidation of the "Cassiopeia" Foundation Mr. Samaluk, Judge of the Supreme Court of

Belarus, asked the representative of the Ministry of Justice Alexander Kharyton whether the case could be solved without the trial, to which the official answered that the voluntary settlement was impossible. Kharyton's charges are the following: the Foundation uses the legal address registered in a private apartment, the organization letter heads do not contain all the necessary details, one of the Foundation assemblies is ineligible, the symbols of the organization on the seal and the letterform aren't in color, etc. The official also accuses "Cassiopeia" of cooperation with the unregistered association "Assembly of Non-Governmental Organizations". The Ministry of Justice warned the Fund on 4 August and ordered it to liquidate the law violations within a month's limit, but on 12 August they filed the liquidation suit as, to their mind, the Fund authorities weren't going to correct the violations. Head of "Cassiopeia" Valiantsina Sviatskaya and the vice-head Halina Siamdzianava disproved the accusations of the Ministry of Justice. Alexander Kharyton refused to answer many difficult questions asked by the women. As a result Judge postponed the case consideration to 8 October, as the sides solicited for attachment of a number of important documents to the case.

On 9 October the Supreme Court liquidated the public association "Belarusian Foundation "Cassiopeia" on the suit of the Ministry of Justice. The reason for the liquidation was that the organization had received warnings for the incorrect legal address (registered in a private-owned apartment) and the incorrect organization letterheads. According to "Cassiopeia" head Valiantsina Sviatskaya, at the trial the charges in cooperation with the unregistered Assembly of NGOs and violation of the Electoral code were disproved. Valiantsina Sviatskaya says that the real reason for the liquidation is connected with the state ideological policy. The court decision came into force immediately. Though the organization members have the right to file a supervisory complaint against the decision, they are not going to do that.

On 9 October Judge of the Supreme Court Yakhnavets liquidated the public association "Women's Answer". To her mind, the association leadership violated the procedure of the legal address registration and then for a long time had no legal address at all, they also used the wrong seal. Sviatlana Karalova, head of the "Women's Answer", comments: "It seems that some political order is being executed. They fight against me through my organization. I don't know why they are doing that. Maybe because I am a member of the United Civic Party or an active person and will take part in the Parliamentary election. I will urge the "third sector" to show more political activity. Our people should become members of the Parliament and change the law".

On 13 October the board for civil cases of the Supreme Court of Belarus considered the complaint of the "Legal Assistance to Public" against the verdict of Minsk City Court that on 8 September 2003 ruled to liquidate this human rights association. This time the trial was also headed by Zhukowskaya. Representatives of "Legal Assistance to Public" solicited for the challenge of court president Zhukowskaya, Judge Zabara and Prosecutor Artseshenka as they hadn't satisfied the complaint against the warning issued to this public association. According to the human rights activists, these officers couldn't conduct the trial objectively. The solicitation was rejected. The complaint was not satisfied.

On 14 October the trial for liquidation of the Lutskevich Brothers Foundation started. The liquidation suit was filed by the Ministry of Justice. The ministry indicted the organization of having its legal address in an apartment house, which is a violation of the Housing code. The NGO is also accused of violations of the record keeping rules. Before that, the ministry pressed forward such accusations as usage of an inappropriate seal, holding an ineligible organization assembly and running ecological programs which allegedly contradicted the statute activity of the foundation. On 14 October Anatol Hurynovich, head of the organization, disproved these accusations at the Supreme Court. To his mind, "Lutskevich Brothers Fund" is not guilty of the fact that the Ministry of Justice registered it with the present legal address. The seal and the organization assembly had been considered as legal by the ministry officials before.

On 16 October the Ministry of Justice staged a press conference "On the activity of the Ministry of Justice on strengthening the constitutional nationhood, protection of rights and interests of citizens". The press-conference took place at the National press center. The situation with the liquidation of NGOs caused the greatest interest of journalists. According to the Justice Minister Halavanaw, Mr. Heiken, head of the OSCE Office, agreed to liquidation of public organizations in Belarus. On the other hand, Mr. Halavanaw took no measures for dispersing the action near the Ministry building due to the fact that he had a meeting with Heiken, which means that the Minister wasn't sure of his actions or was afraid. Correspondent of Deutsche Welle asked: "International human rights organizations are concerned about the liquidation of public organizations. Ambassador Heiken, Head of the OSCE Office in Belarus, has sent a letter to you about this. Do you disagree with the human rights activists and Mr. Heiken? How many organizations do you plan to close? "Viasna" received no warnings but you still filed the liquidation suit with the Supreme Court?" Minister Halavanaw answered: "Nobody plans liquidation of any public associations in advance. Mr. Heiken met with me and said that it is necessary to have some order in the country. By the way, he came at 3 p.m. on that

very day, in the morning of which people held posters of those organizations that we liquidated, or, to be precise, courts liquidated them based on our suits. Mr. Heiken said that it couldn't be so in the German Federal Ministry of Justice. In Germany they would not let the people come closer than 100 meters from the building of the Ministry. Every country must be in order. It was a real picketing. They must thank us for having not applied to the Ministry of Internal Affairs, as there is an article that demands permission of the local authorities for every picketing. They stood there for a while and then went away. We forgot, I don't know whether they had. As regards "Viasna", the materials are in court. If the conclusions of the Ministry of Justice are correct, the court will confirm them, if not – they will be rejected. This is all."

On 16 October Judge of the Supreme Court of Belarus Mikalai Babkow pronounced the following verdict: "To liquidate the public association "Lutskevich Brothers Foundation" and exact from the public association 82 500 as a state fee. The court decision is enforced immediately and can't be subject to cassation complaint or protest."

October 16 Homel justice department filed a suit to liquidate Homel regional Association "Initsyatyva". Halina Skarakhod, head the Initsyatyva, received the call-up to court for 20 October. However, she did not receive the text of the liquidation suit, submitted to the court. One of the violations for which the association was warned in August 2003 was that its legal address was registered in an apartment house. As a result, Halina Skarakhod found the place for the legal address in the village of Yaromina, in Homel suburb. She passed the necessary documentation to Homel District Executive Committee and was told that they would be considered at the committee sitting on 23 September.

On 17 November the Ministry of Justice of the Republic of Belarus decided not to register the Association of NGOs "Assembly". The Ministry of Justice referred not to legal deficiencies, but to the decision of the commission on registration (re-registration) of public associations as the reason for the refusal. The documents for registration of the Assembly, the largest umbrella organization, were filed to the Ministry of Justice in April 2002. Despite the legal obligation to give an answer within a month, justice bodies delayed their decision for 1.5 years during which the ministry considered the documents, a number of the organizations that were its founders were liquidated. Among them were such human rights associations as "Legal Assistance to Public", "Human Rights Center "Viasna", Homel organizations "Hart" and "Public Initiatives". Other organizations that were among the Assembly's founders, are being pressurized as well. "None of us were surprised by this decision of the Justice Ministry. When courts are closing the most

authoritative and active organizations on suits of the ministry, it would be illogical for it to allow legalization of the largest association of NGOs. The authorities understand that if the Assembly, which, it's not a secret, has acted since 1997, receives a legal status, it will mean open consolidation of the third sector and acquiring new possibilities for cooperative actions", — commented head of the Working Group of the Assembly of NGOs Ales Bialatski. "That's why we consider the refusal to register the Assembly of NGOs as a 100% political decision. From the legal point of view, the filed documents were prepared perfectly. That's why the Ministry of Justice referred not to legal deficiencies, but to the decision of the commission on registration (re-registration) of public associations as the reason for the refusal. We know that this commission is a special political body aimed at hindering registration of the public associations that are dangerous to the present regime. Despite of this it is necessary to say that the activity of the Assembly won't stop because of this refusal to give it a legal status. We will not give up the efforts of uniting Belarusian NGOs for the well-being of the entire Belarusian people."

On 20 October the office of the UN High Commissioner for human rights submitted an answer to the appeal of the CIS human rights activists concerning the situation of NGOs in Belarus. It said that the acting UN High Commissioner for human rights and the special representative of the UN Secretary General for human rights activists were watching the situation of Belarusian human rights organizations and activists. Special representative of the UN Secretary General for human rights activists Hina Jilani was taking the appropriate actions within her competence.

On 21 October the liquidation trial of the Radzimichy NGO, based in Buda-Kashalova district, started at Homel Regional Court. The liquidation suit was filed by the Homel Justice Board. The main claim to the association is that it doesn't meet the requirements of its status of a district public association. According to the officials of the Justice Board, the association didn't meet the requirements at the time of registration. When Judge Eleanora Yadchanka asked why then the association had been registered, the representative of the Justice Board Tatsiana Stryzhneva answered that "it was our mistake". The question why the public association was to suffer for the mistake of the officials remained without answer. That's why the court delayed the proceedings till 3 November. Besides, the court demanded from the "Radzimichy" a complete list of its members and a journal of activity. According to Ihar Kekelew, head of the NGO, "Radzimichy" will soon solve the question of their failure to correspond to the district status by executing the instructions of the Justice Board. He thinks that it will help the association to avoid liquidation.

On 21 October the liquidation trial of Human Rights Center "Viasna", initiated by the Ministry of Justice of Belarus, was to have started. At about 10 a.m. when the registration of the present persons was going on at the Supreme Court, the police appeared. The policemen said they received the information that the building had been mined and proposed the people present leave the court and keep away from it at a safe distance. The adjoining territory was ringed with plastic tape. In about 10-15 minutes Head of the court security came to the human rights activists, journalists, representatives of Embassies and other people who were standing outside and said that the trial was postponed to 10 a.m. on October 22. Judge Kulik confirmed these words, saying that the trial was postponed for "technical reasons".

On 21 October members of the Human Rights Center "Viasna" expressed their gratitude to all who came to the court to support them. In their appeal they stated: "In the time when our organization faces the real danger of liquidation it is very important to feel and know that our stable position in defense of human rights is understood in society."

On 22 October the consideration of the liquidation case against the Human Rights Center "Viasna" started at the Supreme Court of Belarus. In the morning the court listened to the explanations of the Ministry of Justice, given by Neanila Fishkina, the main specialist of the Board of public associations. N. Fishkina read the list of the people, whose signatures, according to the opinion of the Ministry, had been forged in the documents, presented for registration of the organization. Then N. Fishkina answered the questions, asked by Judge Valiantsina Kulik, representatives of Human Rights Center "Viasna" Ales Bialatski, Valiantsin Stefanovich and Uladzimir Labkovich, representatives of the public Alesia Vydruk (Independent Society of Legal Research) and Harry Pahaniayla (Belarusian Helsinki Committee).

On 23 October the Supreme Court listened to the testimonies of some witnesses, representatives of regional branches of "Viasna" from Homel, Svetlahorsk, Brest, Baranavichy and Navapolatsak whose signatures, according to the representative of the Justice Ministry Neanila Fishkina, had been forged. Judge Valiantsina Kulik asked them whether they were "Viasna" members, what documents they had signed and whether the presented signatures belonged to them. All witnesses confirmed that their signatures were really theirs. After questioning of the witnesses was over, Neanila Fishkina asked to attach to the case materials the documents that, to her mind, testified to repeated violations of the legislation by "Viasna". Among them was the decision of Minsk Centralny Borough Court to fine Ales Bialatski 10 minimal wages (about $70) for the

excess of the circulation of The Right to Freedom newsletter and the report, composed by the guard of the Ministry of Justice on 25 September 2003 for unauthorized picketing by activists of closed NGOs and “Viasna” members among them. Judge pointed out that the latter had no legal force, but attached it to the case.

On 24 October the Supreme Court of Belarus continued the consideration of the civil case about liquidation of the “Human Rights Center “Viasna”, initiated on the suit of the Ministry of Justice. On that day the court listened to witnesses from Homel, Brest and Vitsebsk regions who witnessed the authenticity of their signatures in the documents, submitted to the Ministry of Justice in 1999 for registration of the organization. The Ministry of Justice doubted this authenticity, which was mentioned in the suit, and considered it the main reason to liquidate Human Rights Center “Viasna”. So, the witnesses, summoned to the court hearings of 23 and 24 October and warned about criminal responsibility for false testimony, confirmed the authenticity of their signatures. Representative of the Justice Ministry Neanila Fishkina solicited for attachment of the photocopied newspaper photos of the unauthorized action near the Ministry of Justice, held at the end of September by representatives of different organizations that either had been closed or were in the danger of closing (representatives of “Human Rights Center “Viasna” were among them). It caused surprise, as such documents as reports of the guards are judicially invalid, which any staff member of the ministry is to know as well as the fact that the photocopies can have no relation to the case. Judge Valiantsina Kulik refused to attach the Xerox copies to the case. Neither did she attach the letters in support of Human Rights Center “Viasna”, sent by citizens of Belarus and influential foreign and international human rights organizations. The human rights activists asked her to attach these letters to the case as the materials that characterized the organization and its activity.

On 27 October the Supreme Court Judge A. Zabara started to hear the suit of the Ministry of Justice for liquidation of the charity public association “Helpful Hand”. The “Helpful Hand” is one of the best known charity NGOs of the country. It gives humanitarian aid to Belarusian prisoners, socially rehabilitates them after prison and psychologically adapts them to free life. “Helpful Hand” not only enjoys authority among prisoners, but is also respected by staff of the penitentiary system. The reason for liquidation of the organization is that the Ministry of Justice didn’t receive any answer to its letter with the demand to present information about the organization activity, sent in July 2003. The Ministry of Justice took the opinion that absence of answer witnessed that the organization office wasn’t functioning in the place of its legal address. Vlasta

Aliaksiuk, the organization head, says that the organization didn't receive the letter, which can be a result of bad functioning of the post services or the recent moving to a new legal address. Yury Chavusaw, coordinator of the collective defense system of NGOs of Belarus, says that this case characterizes the present situation in the public life of Belarus: a well-known NGO can be liquidated because of trivial mistakes or slow work of the post.

On 28 October Judge of the Supreme Court Kulik ruled to liquidate the Human Rights Center "Viasna". She justified the Viasna on five of the six accusation points, including forgery of signatures, non-payment of membership fees, etc. All these alleged violations were found unproved and ungrounded. The only charge that served as a formal reason for the liquidation that during the Presidential election of 2001 "Viasna" violated the procedure of nomination of observers to polling stations. For this violation the Ministry of Justice punished "Viasna" by a written warning in August 2001. So, now "Viasna" is again punished for the same violation. At 14.30, when Judge Kulik of the Supreme Court of Belarus pronounced the verdict to liquidate the Human Rights Center "Viasna", eight members of the organization, Ales Bialatski, Uladzimir Labkovich, Valiantsin Stefanovich, Aleh Zhlutka, Uladzimir Vialichkin, Mikola Lemianowski, Zmitser Salawyow and Aliaksei Kolchyn, expressed their protest against by sitting down on the floor of the court hall. At 5.30 p.m., when it got dark, the police in plain clothes twisted the arms of the sit-in participants, led them out through the back door and took them to Minsk Leninski Borough Board of Internal Affairs. There the reports about violation of Article # 166 of the Administrative Code of Belarus (disobedience to legal demands of the police) were drawn up. The human rights activists were given summons to court for 11 a.m. on 29 October and released at about 10 p.m. The members of Human Rights Center "Viasna" to be tried:

Ales Bialiatski – Head of the "Human Rights Center "Viasna"

Valiantsin Stefanovich – lawyer of the "Human Rights Center "Viasna"

Uladzimir Labkovich – lawyer of the "Human Rights Center "Viasna"

Aleh Zhlutka – translator of the "Human Rights Center "Viasna"

Uladzimir Vialichkin – Head of the Brest regional branch of the "Human Rights Center "Viasna"

Alaksei Kolchyn – Head of Mahilow branch of the "Human Rights Center "Viasna"

Mikola Lemianowski – representative of the “Human Rights Center “Viasna” in the city of Hrodna.

Zmitser Salawyow – representative of the “Human Rights Center “Viasna” in Navapolatsak.

On 29 October Minsk Leninski court tried the eight members of the Human Rights Center “Viasna” who took part in the peaceful action of protest against its liquidation by the Supreme Court of Belarus.

Here are results of the trials:

Valiantsin Stefanovich, judged by Alexander Shylko, fined 5 minimal wages;

Alaksei Kolchyn, judged by Alena Tserashkova, fined 5 minimal wages;

Zmitser Salawyow, judged by Zmitser Zhdanok, fined 5 minimal wages;

Aleh Zhlutka, judged by Alena Tserashkova, fined 5 minimal wages;

Uladzimir Vialichkin, judged by Zmitser Zhdanok, fined 5 minimal wages.

Mikola Lemianowski, judged by Alena Tserashkova, fined 5 minimal wages;

Ales Bialatski, judged by Alexander Shylko, fined 5 minimal wages (about $40).

Ales Bialatski demanded a translator into Belarusian at the trial. Judge Shulko satisfied the petition;

Uladzimir Labkovich, judged by Zmitser Zhdanok, fined 10 minimal wages. Uladzimir Labkovich also solicited for a translator. The judge didn’t satisfy the motion, Uladzimir Labkovich said: “I wasn’t able to defend my rights to the full extent without translator. The judge led the trial with himself. He insulted me all the time and demanded from me to speak Russian. By this he violated not only my constitutional right to usage of native language, but also to defense”.

At the beginning of November the Justice Ministry refused to register the Young Social Democrats. The organization leadership received the Ministry’s reply to their application on November 17. The Ministry informs the Young Social Democrats the decision to deny registration was taken on the basis of conclusions made by the National Commission for Registration (Re-registration) of political parties and non-governmental organizations. The Ministry of Justice lists five reasons for the negative decision on registration: disagreement with goals and objectives of the organization; absence of other conditions for membership besides agreement with the organization Statute;

presence of 2 governing bodies within the organization structure; problems with organizational structures of YSD, and inaccuracies in the minutes of the founding congress.

On 5 November Minsk City Court rejected the suit of the Independent Society of Legal Research against the two warnings issued to the latter. Alena Tankachova, Head of the society, said that though de jure it wasn't liquidation of the organization, but de facto it was. The court, being guided only by testimonies of representatives of the state bodies (representatives of the Justice Ministry Kharyton and Bondar and the representative of the justice board Shcharbovich) didn't satisfy the suit and left the warnings in force. The persons who attended the trial are of the opinion that the testimonies of the officials, to put it mild, were deceitful. According to Alena Tankachova, the court decision was not based on any law.

On 11 November Judge of the Supreme Court Valiantsina Kulik satisfied the suit of the Ministry of Justice to liquidate the "Association of Young Businessmen". The reason for the liquidation was a violation of the registration procedure of the legal address during the registration of the association in 1999. The young businessmen also refused to change the title of their head, who, according to their Statute, is called President, while the officials insist that the country can have only one President. This opinion is supported by the Ruling of the Council of Ministers that allows using the title "President" only when referring to the country's governor. All alleged violations in the organization's activity were found by the Ministry of Justice by filing a letter to the "Association of Young Businessmen" with the demand to present information about the organization and its activity. The "Association of Young Politicians", filed in 1999, ran editorial activity, issued the Kirmash newsletter and provided legal counseling and other support to youth engaged in small business. The organization activists distributed their newsletter at the country's markets. The "Association of Young Businessmen" actively participated in the mobilization campaign on the eve of the Presidential election of 2001. Aliaksei Yanukevich, head of the control and revision commission of the Association , thinks that the association was liquidated for its activity during the campaign of 2001. "It is usual revenge of the authorities to the youth which pays interest to the events that are going on in the country", — said Mr. Yanukevich, — "the regime can't forgive to young businessmen their interest in political life. It understands the danger of engagement of young businessmen, active and perspective social group, into politics and public life. That's why the present authorities try to ruin the bridge between young businessmen and politically active youth."

November 21, the Ministry of Social Security started a check-up of the Children in Need NGO. The non-governmental organization based in Babruisk, Mahilow region, has recently had two check-ups. Both the presidential and the tax inspection examinations did not reveal any violations.

November 24 the Supreme Court Board on civic cases rejected the Ratusha complaint against the decision of Hrodna regional court on the NGO's liquidation. The Board on civic cases, composed of judges Sharoika, Bakenowskaya, and Yakhnavets, left unaltered the previous court decision of August 21. Thus, the liquidation decision came into effect. The functionaries from the justice structures won the seven months long fight for the Ratusha.

November 26 the Justice Ministry issued a warning to Belarusian Social Democratic Party "Narodnaya Hramada" and demanded to disband the Brest branch of the party. The Party was warned for an article published in the Narodnaya Volya. The article "Ship Needs Compass to Find Its Moorage" was written by Anatol Lawkovich, chair of Brest party branch. The warning signed by Justice Minister Halavanaw says Lawkovich insulted "honor, dignity and reputation of the state bodies of the Republic of Belarus", as well as of community representatives and personally Alexander Lukashenka. The Justice Ministry believes Lawkovich violated not only the Belarusian legislation, but also the Party Statute. The Justice Ministry demanded the Narodnaya Hramada Party should dissolve its Brest branch, because, as the Ministry officials concluded, the author expressed not just his personal opinion, but spoke on behalf of all party members, who live in Brest region.

On November 27 the Supreme Court liquidated the charity NGO "Helping Hand". «Our organization was liquidated not under the Law on Non-Governmental Organizations, which is the basic law for NGOs, but under Art. 57 of the Civic Code. We consider the liquidation illegal», says Vlasta Aliaksiuk, the NGO chairperson. Judge Zabara decided, the NGO had violated the citizens' right to association, by failing to consider three membership applications in a month. The chair's illness did not sound like a good reason for the Judge. Besides that, the Helping Hand was accused of failure to register incoming correspondence.

On 28 November Homel Regional Court considered the suit of the Justice Board of Homel Regional Executive Committee for liquidation of the women's public organization "Initsyatyva". The decision of vice-head of the court Anatol Dudzich to delay the trial for 1.5 months dissatisfied representatives of the justice board and the prosecutor Halina Sudar, who stated that the regional prosecutor's office would protest against it. At the previous court sitting the head of the "Initsyatyva" Halina Skarakhod presented the letter

of the vice-head of Homel District Executive Committee Ivan Khrapunow, according to which the executive committee agreed to place the legal address of the public association in a private house in the village of Yaromina. So, the main reason to liquidate " Initsyatyva" disappeared. However, the worker of the justice board Tamara Stryzhneva took to the court the new decision of the executive committee, in which the executive committee corrected Khrapunow and prohibited to place the legal address of the women's association in the village of Yaromina. The decision also said that the executive committee questioned citizens of the village. The decision of the justice board to prohibit changes to the statute of "Initsyatyva" in connection with change of its legal address was also presented to the court.

On 28 November the President of Belarus signed Decree No. 24 "On receiving and using of foreign donations". This decree changes the order of receiving of foreign donations (financing of programs and projects, receiving or using equipment or other property) by corporate or private residents of the Republic of Belarus. The new Decree considerably increases the powers of the Board of presidential affairs in the field of control of giving and usage of foreign donations, tariff and tax benefits and definition of the minimal size of aid to be liable to registration. Simultaneously, the main body that is to manage the process of receiving of foreign donations is the Department on humanitarian activity of the Board of presidential affairs. This body issues the certificate about registration of foreign donations and has other powers. According to the decree, the order for registration of foreign donations is to be agreed with the Board of presidential affairs. It means that in two months a new by-law on the registration and usage of foreign donations will emerge instead of the current instruction approved by the director of the Department of humanitarian activity. Paragraph 4 of the Decree defines the fields of activity in which foreign donations can be used. This list is open but it is specified that the usage of donations for other aims is to be agreed with the President of the Republic of Belarus. The list of the activities includes different forms of political work with the population (Decree #8 contained only mass-agitation activity). According to the press service of the Presidential administration, the aim of the Decree is to "provide maximal transparency" in usage of foreign donations and their aims, for which the stringent control of the donations by such State bodies as the Board of presidential affairs, the Committee of State control, the KGB and the Ministry of taxes and duties is established. The order of control of giving and usage of foreign donations is defined by Ruling #537 that was adopted by President on 28 November 2003. The new decree also defines the sanctions that are to be applied against the legal and private residents that violate the order established in the decree. Beside the administrative punishment of

private residents and economical sanctions against legal bodies, it provides for liquidation of political parties, trade unions, foundations, public associations and their organizational bodies and offices of foreign organizations even for a single violation of the order for usage of foreign donations. Foreign citizens found violating the said order will be deported from the Republic of Belarus. The new decree doesn't cover the programs or international technical aid and other kinds of foreign aid received on the President's agreement or in accordance with the international agreements, ratified by Belarus. These kinds of aid (such as "TACIS" programs, "Counterpart", the program for small and middle business that is run by the International financial corporation and some other kinds of aid) are covered by the order, regulated by Ruling # 460 of 22 October 2003 "On international technical aid to the Republic of Belarus". So, the new legislative act doesn't change the concept for usage of the foreign donations in the Republic of Belarus, but tightens the control of this process and provides harsher sanctions against violators of the established order of usage of foreign donations.

December 4 Minsk Centralny Borough Court has sent the following letter to the legal address of Human Rights Center "Viasna": "Minsk Centralny Borough Court informs You about the executive letter of 28 October 2003 of the Supreme Court of the Republic of Belarus about exaction of 82 500 rubles (about $40) as the State fee for the court expenditures from the Human Rights Center "Viasna". We propose You to execute the court decision on Your free will in 7-days' term. Otherwise, the court decision will be executed forcibly and in this case the court exacts the sum, equal to 5% of the State fee according to Article 486 of the Civil Process Code. Judge N.M. Vaitsiakhovich, officer of the court Ye. V. Nahornaya".

On 8 December the Supreme Court of the Republic of Belarus didn't satisfy the complaint of the Young Social Democrats against the decision of the Ministry of Justice not to register it. Judge Sakalowskaya and Prosecutor Artsiushenka supported the argument of the MJ representative Kirykava that the YSD violated the law by introduction of education of political culture and common human values among youth as one of its Statute aims. Neither the court nor the prosecutor reacted to the violation of the law by the Ministry of Justice that was to have given the answer concerning registration of the organization three months before it actually did. The consideration of the complaint lasted for three days. I should point out that all arguments of the defendant, the Ministry of Justice, sounded weak, to put it mild. Prosecutor Artsiushenka defeated most of the claims of the Ministry of Justice but left in force the accusation of violation of Articles 1 and 22 of the Law on public associations by the Young Social Democrats. Judge Sakalowskaya completely agreed with the prosecutor who said he saw no possibility to

satisfy the complaint of the YSD and decided: “Young Social Democrats are denied in their complaint and now they cannot be registered”.

On 23 December the Supreme Court board for civic cases did not satisfy the complaint of the Independent Society for Legal Research. The ISLR requested to cancel the warnings it had been issued by the Ministry of Justice. Now the court is to resume the proceedings on the case of liquidation of the NGO.

On December 24 the Supreme Court of Belarus did not satisfy the complaint of the Assembly, an umbrella organization of NGOs. The Assembly complained against the actions of the Ministry of Justice, which refused to register the organization. Judge Sviatlana Yakhnavets decided the claims of the Assembly to the Ministry were ungrounded.

PERSECUTION OF INDEPENDENT MASS MEDIA AND JOURNALISTS. VIOLATION OF THE CITIZENS' RIGHTS TO THE FREEDOM OF SPEECH AND THE RIGHT TO RECEIVE TRUTHFUL INFORMATION

At the beginning of the year we learned that the independent Novaya Hazeta Smarhoni newspaper might cease to exist. The local authorities represented by the executive committee chair Stanislaw Yurhel applied to the Hrodna region economic court demanding cancellation of Ramuald Ulan's registration as an individual businessman. The newspaper staff believes that this is the way the authorities have chosen to eliminate the popular regional periodical. Formally, the officials' grievances against the founder of the Novaya Hazeta Smarhoni are neither economic nor political. The charges brought against the businessman are alleged violations of fire safety regulations and the labor law. Ramuald Ulan says each of the violations mentioned are by law punished by a fine of four minimal salaries. However, the money paid did not resolve the conflict. Ulan's case, as is required by the Smarhon district executive committee, is to be considered in the economic court of Hrodna region. Ramuald Ulan believes the reason why authorities are hindering his activities is his plans to launch two more papers. Last year he had intended to open two regional periodicals – the Novaya Hazeta Astrawtsa and the Novaya Hazeta Ashmianaw. The only factor that prevented the launch was the district executive committee unwilling to grant permission. The editor's request was turned down by the authorities twice. True, the regional economic court twice decided the matter in favor of the businessman. When the same thing happened for the third time, Smarhon district executive committee filed a suit demanding liquidation of R. Ulan as a businessman.

At the beginning of January The Belaruski Chas laid off six journalists. Before they were fired, they were told that their positions had been downsized. Only the technicians retained their jobs. Dismissed were the journalists who wouldn't change their position. They would not want to act in accordance with the demands of the Trade Union Federation leadership and the ideological dogmas of the authorities. The Trade Union Federation treats them as enemies. According to Iryna Hermanovich and Alexander Yahoraw, former employees of the Belaruski Chas, Leanid Kozik, the Federation chair, ordered their dismissal. The journalists Alexander Dubravin and Ales Khmialnitski believe that the trade union periodical will get a new image. They think the dismissal of the six journalists marks the end of the creative orientation of the Belaruski Chas set by the editor Alexander Starykevich who was fired last year.

At the beginning of February editors and publishers of the Belarusian independent newspapers, exposed to harassment on part of the official Belarus, addressed the Belarusian public with an open letter, demanding restoration of justice and lawfulness towards them and the readers and also called on the government to comply with the Constitution and the Law “On press and other mass media”.

On 12 February Minsk regional economic court continued to hear the suit of representatives of the recently closed Mestnoye Vremya newspaper. The plaintiffs demanded to cancel the decision of the regional executive committee, which served the Ministry of Information as the ground to close the newspaper. However, Judge Alexander Brahin suspended the hearing, referring to the fact that the newspaper had been excluded from the tax register and did not exist as a legal entity anymore. According to Anatol Hulayew, editor-in-chief, besides demands to cancel the decision, which served as the ground to annul the registration of The Mestnoye Vremya, the plaintiffs demanded compensation of losses worth 1,000 Euro. Hulayew is firmly convinced that the decision to close down the newspaper was politically motivated. According to the editor-in-chief, recently the authorities have openly strengthened the pressure on the regional independent mass media, which become more and more important in the period of local elections and possible referendum about the third presidential term for Lukashenka. The Mestnoye Vremya weekly managed to issue only three issues when the license of its publishers was annulled. Minsk regional executive committee canceled the registration of the publisher, and immediately the Ministry of Information annulled the registration of the newspaper.

On 18 February Judge of Hrodna Regional Economic Court Zmitser Lamanik ruled to suspend the business activity of Ramuald Ulan, founder of the independent newspaper Novaya Hazeta Smarhoni, till 3 May, satisfying the suit of a district executive committee against the businessman. This decision automatically results in liquidation of the newspaper, R. Ulan being its only founder.

The Supreme Court of Belarus left in force the sentence of Hrodna Leninski Borough Court to Pavel Mazheika passed in June 2002. On 26 February the decision on Pavel Mazheika’s complaint was submitted to Yury Kuzmich, head of open-type correctional facility No.1 at Zhlobin Borough Board of Internal Affairs, where the journalist is doing his personal restraint term. The document signed by P. Miklashevich, vice-Chairperson of the Supreme Court of Belarus, stated that “the complaint is not liable to satisfaction due to the fact that Mazheika’s guilt of the crime was proved by the case evidence”. Now Pavel Mazheika is preparing a complaint to be filed with international institutions.

On February 26, Mikhail Padhainy, Minister of Information, suspended the Vecherni Stolin newspaper for 3 months for “serious Law violations”. According to the official version, these violations were manifested through changes in the newspaper topics from the industrial to mass political ones without the timely appropriate amendments in the newspaper’s registration certificate. Besides, the reason for the suspension was two publications: the article “As a Sign of Protest” that, according to the official document, “foments social enmity and attempts on honor and dignity of citizens” and “There’s no Mafia in Stolin Region, but Vertical”, where some materials of an investigated case were used without the permission of the investigators. Uladzimir Pashkevich, Chairman of Stolin District Executive Committee, filed a suit against the newspaper to protect his honor and dignity. He demanded to disprove the information, published in the articles and pay to him 4 million rubles as compensation of the moral harm done.

At the beginning of March Mahilow non-state TV Channel 2 stopped broadcasting. Mahilow financial control services needed less than a month to bancrupt and close down the local private TV studio “Channel 2”. The regional economic court with Judge L. Karalova presiding ruled to confiscate the professional equipment – over 20 units – from the owners. Closure of the popular TV studio started with an ordinary “regular financial audit”, which did not reveal any violations, by the way. However, the inspectors asked if the studio had any health certificates for the studio rquipment and explained they just cared about the health of the studio staff. It turned out, the studio did not have any certificates, because never before during the 5 year work of “Channel 2” such documents were required. All the studio equipment was produced by appropriate, mostly well-known foreign companies, and was purchased legally. Such equipment is used not only by other studios in Mahilow, but all around the world. Obviously, it’s impossible to argue with Belarusian inspectors. In a week “Channel 2” managed to get the necessary cerificates in a health service office. The regional Committee for Financial Investigations did not waste time as well. The same days they sent the case to court. During the hearing the Committee representative argued that “certificates had to be present not on the day of the hearing, but on the day of the audit”. The court based its decision on that ground. The judge was not perplexed by the fact that the TV camera of the state channel “Mahilow 1”, which reported about the hearing, also had no health certificate. The cameraman sincerely confirmed that “Mahilow 1” state studio also had no health certificates. The court did not pay attention to intercession by chairmen of the regional and city executive committees. One day before the trial they expressed their verbal support to “Channel 2”, which the studio announced during the hearing to testify that the studio was an important element of informational and cultural space of the region.

On 4 March Asipovichy District Court changed sentence to Mikola Markevich (editor-in-chief of the Pahonia newspaper, closed by the authorities) to the corrective labor in the place of habitation with check-off of 15% of the salary. This decision is in agreement with the court practice that a prisoner can receive a milder sentence after spending 1/3 of his term. On 5 March Markevich returned to Hrodna.

On 4 April the US Ambassador in Belarus Michael Kozak visited Ivashkevich in the office of The Intex-Press independent newspaper, where Ivashkevich works as a courier. The Rabochy editor-in-chief Viktar Ivashkevich has been serving forced labor sentence for attempted libeling and public insult of the President since September 2002 in Baranavichy (Brest region). Their conversation lasted for several hours. According to V. Ivashkevich, they talked about democracy and human rights protection in Belarus.

On 17 April Minsk City Economic Court partially satisfied the suit of the founders of the open joint-stock company Mestnoye Vremya against Minsk City Executive Committee. The Committee will have to pay a state fee of 66 000 rubles. However, the court didn't satisfy the demand for the moral damages that the Minsk CEC actions inflicted to the open joint-stock company. The motivation letter of the court decision will soon be ready, after which the Ministry of Information will have to renew registration to the newspaper «Mestnoye Vremya»

On 23 April the independent newspaper Pravintsyalka distributed in Stolin district of Brest region was suspended on the order of Mikhail Padhainy, Minister of Information. The reason to suspend the newspaper was that the editorial staff of Pravintsyalka had changed the newspaper content and legal address without the agreement of the Ministry of Information and the local authorities. No official warnings about law violations were issued to the newspaper. Recently the newspaper actually replaced another independent edition, the Vecherni Stolin, which was suspended three months before the election to the local Deputy Soviets. Alexander Ihnatsiuk, the founder and the editor of both newspapers, is sure that these suspensions were inspired by Brest and Stolin authorities.

On 30 April Mikhail Padhainy, the Minister of Information, said that the second warning to one of the largest independent editions, «Belorusskaya Delovaya Gazeta», had been already signed. The newspaper's editorial staff links the pressurization with the latest ideological consultation with A. Lukashenka and the desire of the authorities to intimidate journalists. The first warning was issued for the information that the Minister of Transport Mikhail Baravy hadn't attended the funeral of the ex-Minister of Transport

Alexander Lukashow, former Lukashenka's associate who had committed suicide. As a result, the Minister sent a letter to the Ministry of Information proving that he had been at the funeral. The second warning was issued for the newspaper's reprinting of the Russian press information that A. Lukashenka gave his personal plane for Miss Russia Svetlana Korolyova to go back to Moscow, she was a member of the jury at the contest «Miss Belarus».

At the end of April Ramuald Ulan, founder of the «Novaya Hazeta Smarhoni», hoped that the authorities would leave him the possibility to run his business. However, he received refusal from the Head of the regional economic court. The court ruled to stop Ulan's business, allegedly for some law violations. By doing this, Smarhon authorities hoped to stop the issue of the independent newspaper. The businessman submitted the court papers to Minsk. The Ministry of Justice answered that a company can't be liquidated for violations of the labor legislation or fire safety regulations. A similar answer was given by the Ministry of Economy. Both letters were signed by vice-Ministers. Ramuald Ulan sent these answers to the economic court together with his complaint. To his disappointment, Judge Kastsiukevich didn't even mention these documents. As a result, the court decision remained in force. As regards the Novaya Hazeta Smarhoni, now it has another founder. Six numbers have been already issued, but now journalists have much more difficulties in receiving official information even about sports events.

On 16 May Alexander Ihnatsiuk, founder and editor of the Vecherni Stolin newspaper was charged with insulting an official (Art 369 of the Criminal Code). He learned about the charge from the telephone conversation with a local police officer. Uladzimir Pashkevich, head of Stolin district executive committee, thinks the newspaper editor-in-chief has insulted him in one of the articles. It's worth reminding that during the local election Stolin authorities succeeded in suspending The Vecherni Stolin for three months. Later another Pinsk independent newspaper the Pravintsyalka, also founded and edited by Ihnatsiuk, was suspended for the same term.

On May 19 The Volny Horad local independent newspaper lost a case to Krychaw authorities. Siarhei Niarowny, The Volny Horad editor-in-chief, sued Krychaw administration for their refusal to register the newspaper at his place of residence. Mahilow regional economic court recognized such decision was legal for the reason that Niarowny did not own the house. The Volny Horad has been published for 3 years with circulation of 299 copies without registration.

On 20, 21, and 22 May The BDG newspaper got three consecutive warnings from the Information Ministry. The first warning was issued on 20 May for the article "Lordly

Image" (BDG dated April, 18 2003). According to Minister Padhainy, the article contained "inexact information about the fact that the President of the Republic of Belarus made the plane of the state head available to Svetlana Korolyova so that she could fly to Moscow". In his opinion, the article "not only deceives the citizens of Belarus, but also offends the honor and dignity of the President". M. Padhainy claims the newspaper has violated Art 5, 40 of the law On Press and Other Mass Media". The BDG received an official warning under Art 16 of the Law. On 21 May the official warning was issued to The BDG supplement the BDG. Dlya Sluzhebnogo Polzovania (The BDG. Restricted files) for a series of articles under the common title "Afghan Greyhounds" and article "The Magic Crystal", published in #3(14) in March 2003. Having analyzed the Prosecutor General's statement "On liquidation of violations of legislation, regulated by the Information Ministry", the Ministry found out that the newspaper violated Art 32 and 40 of the Law on Press. (In the warning Padhainy claims that the articles "practically justify corruption activities of the former head of "Beldziarzhkharchpram" state company V. Kazeka and his son A. Kazeka, head of the sales department of "Kryshtal" state company. The newspaper represents the staff of law-enforcing bodies as lobbyists of criminal structures…"). The Ministry issued another warning to the newspaper under Art 16 of the Law "On Press and Other Mass Media". On 22 May the third warning followed. This time – for the article "Where are Lavonaw's millions? The National Prosecutor's Office Can Not Answer This Question. Still Searching…", published in The BDG #62 of 29 April 2003. The warning appeared after similar analysis of another Prosecutor General's statement conducted by the Ministry. The Minister of Information states that the newspaper published the criminal case materials without the judge's written permission, thus violating Art 5 of the Law on Press and Other Media. At present the newspaper and its monthly supplement have 4 warnings. (On 17 April 2003 the Ministry of Information warned The BDG. Restricted Files for the article "The System Does Not Count Victims. Disgrace Led the Ex-Minister to Suicide" (#4 (15) of April 2003). The Ministry decided the newspaper had violated Art 32 and 40 of the Law on Press, because the article contained "ungrounded statements about Minister of transportation and communications Mikhail Baravy". The Ministry issued an official warning based on Art 16 on the Law on Press).

On 20 May Maskowski borough court of Minsk tried Pawluk Kanavalchyk, editor-in-chief of The Navinki newspaper. He was charged under Art 172.1 part 10 of the Code of Administrative Violations (Violation of legislation about press and other mass media – Spreading deliberately false information, which defames honor and dignity of the President of the Republic of Belarus through mass media – a fine from 50 to 100 minimal salaries). The charge was grounded on the article, published in issue #7, 20-27 March

2003, "The Second Belarusian Revolution of Connotation". Judge Maksim Falko presided at the hearing. The Judge decided, that in the article (one of the pictures, which illustrate the article, to be exact), there were "phrases which defame the honor and dignity of the President". The editor-in-chief stated that "words on one of the pictures of the president were taken out of the context of the whole article. The article was of satirical nature and did not defame the president". In spite of the fact, that P. Kanavalchyk pleaded not guilty, the judge chose the harshest penalty provided by this article – a fine of 100 basic units (665 USD).

On 21 and 22 of May the Ministry of Information issued two warning to The Navinki newspaper. The first warning is issued for 2 pictures of the president, published in issue #7 (86), "with comments of offensive nature, which is a violation of Art 5 of the Law "On Press and Other Mass Media", i.e. spreading information which offends honor and dignity of the President of the Republic of Belarus". It should be pointed out that the first warning appeared the next day after Maskowski borough court of Minsk had fined the newspaper editor Pawluk Kanavalchyk 1,400 thousand BYR for the same publication. The second warning was issued for the article "Opium for People", published in issue #11 (90), and the title of an article in issue #8 (87), which "attempts at the morale of the citizens". According to the Belarusian legislation, two warnings under Art. 5 of the law on Press are enough to close down a newspaper.

On 20-22 May Information Minister Mikhail Padhainy signed 5 warnings for violation of Art 5 of the law on press. During 3 days the Minister issued more warnings than during the entire 2002. According to the Belarusian legislation, 2 warnings under Art 5 within 12 months can serve as the ground to close down a newspaper. The Belaruskaya Delovaya Gazeta (founded in 1992), The BDG. Dlya Sluzhebnogo Polzovania, The Narodnaya Volya, The Vecherni Stolin, and The Navinki are on the brink of closure. The Ministry of Information issued official reprimands to the newspapers, which can serve as the ground to close them down.

On 26 April the legal proceedings in the case of the Mestnoye Vremya-Press newspaper ended with the newspaper's victory. The Board of Minsk regional economic court acknowledged as illegal the decision of Minsk regional executive committee, which had ruled to close down the newspaper. The editorial board also tried to receive about 2,000 USD in damages. But the court denied the claim. The newspaper is going to renew publication.

On 27 May the head of the Foreign Ministry's information department Andrei Savinykh accused The Izvestia special correspondent Alena Daneika of violation of the

Law on the press. Savinykh informed the journalist she had violated the law in her recent article about Lukashenka. Alena Daneika was warned that she is “in a difficult situation”. However, she will not stand trial. Savinykh informed Alena Daneika about the official position of the Ministry concerning the Friday article “Lukashenka Strikes an Attitude”, dedicated to the slowdown of the Russia-Belarus integration. According to the Foreign Ministry of Belarus, Alena Daneika violated Art 40 of the Law on press by spreading untruthful information. Savinykh admitted that the article provoked negative feed-back and discredited the image of Belarus and relations between Belarus and Russia. The Foreign Ministry considers this publication abusive. Belarusian Information Minister Mikhail Padhainy addressed his Russian counterpart Mikhail Lesin with a request “to take measures against The Izvestia in conjunction with the publication of untruthful information in conformity with the Russian legislation”. Savinykh warned Alena Daneika that the article might lead to deprivation of her accreditation license in the Foreign Ministry of Belarus. However, since January 25 Alena has no accreditation, because she simply forgot to prolong it. So there is nothing to deprive her of. The Belarusian authorities are not ready to take the Russian journalist to court. The Foreign Ministry warned the journalist that her article puts her in a difficult situation and complicates her journalistic work in Belarus. The highest penalty which might follow is denial to prolong her accreditation license in case she applies for it. In reply to all accusations Alena Daneika claims that all the facts and quotations used in the article can be confirmed with dictaphone recordings, leaving no space to doubt their veracity. The newspaper editorial board also supports the journalist. However, the journalist believes it is not worth aggravating relations with the Belarusian authorities and looks forward to the diplomatic settlement of the controversy.

On 29 May Information Minister Mikhail Padhainy suspended The Belaruskaya Delovaya Gazeta (founded in 1992), and The BDG. Dlya Sluzhebnogo Polzovania (founded in 2002 as a monthly supplement) for 3 months. The decision was grounded on the articles published in the newspaper, which, according to the Minister, violate Art 5, 32, and 40 of the Law on press. On 20, 21, and 22 May the newspapers received several warnings from the Ministry.

In May the prison administration deprived Ivashkevich of the possibility to visit his parents in Minsk. Viktar Ivashkevich, editor of The Rabochy newspaper, has been serving his sentence for “libel upon Lukashenka” in Baranavichy minimum security prison since December 2002. Earlier the prison administration allowed Viktar to visit his sick parents in Minsk on week-ends. Recently Minsk police authorities robbed him of such a possibility. His mother has been undergoing medical treatment for cancer for 2 years. She

has spent several last months in bed. His father had the leg fractured and needs care himself. Viktar came to Minsk every-weekend to help his parents. However, recently the district police officer has sent a letter to Baranavichy prison administration, saying that because he does not know Ivashkevich personally, he considers Viktar's visits to Minsk inexpedient.

In May Barysaw city executive committee (Minsk region) ruled to ban distribution of media in state-owned shops without a special license. Such measures seriously limited the distribution of independent periodicals.

On June 7 the Information Ministry ordered heads of all FM radio stations to send in full texts of their news-broadcasts and play lists at the end of each working day. The materials are to be collected and analyzed by the Chief Analytical Department of the Information Ministry. The Ministry explains its actions by the need to execute the Ruling of the President No. 516 of September 24, 2001. Zmitser Konanaw, leading specialist of the Chief Analytical Department, is to collect and analyze the broadcast materials of FM stations. According to Konanaw, the purpose of the new rule is to control, whether the radio stations follow the Belarusian legislation. According to Konanaw, his function is to track the contents of FM-programs and to examine whether there were any violations. Earlier the Ministry examined the broadcasting of commercial radio stations randomly, but it did not have any possibilities to organize a regular control. Meanwhile, Konanaw says "there are many things happening on the air. Sometimes it is necessary to have proofs available". As Konanaw said, the Ministry had not tracked any violations yet, although not all FM stations heads follow the Minister's ruling and send materials to the Ministry.

On 11 June the Ministry of Information warned three founders of the Predprinimatelskaya Gazeta, Hleb Bahamolaw, Aleh Drazdow and Ihar Kavalevich for violation of Article 11 of the Law on press. The Ministry accused the newspaper founders of changing the topics for publication and the newspaper's legal address (at present the unitary enterprise "Marat" acts as the newspaper's editorial staff, the newspaper publishes articles of "Belorusskaya Delovaya Gazeta" journalists". The newspaper founders have already complained against the warning, as the law allows them to inform the Ministry about such changes within a month's term, but haven't received any answer yet.

On 17 June the Supreme Economic Court considered the suit of the Belorusskaya Delovaya Gazeta (the "Marat" company) against the Ministry of Information concerning the warning, issued on 20 May for the article "Lordly Image". At the beginning of the trial

Judge K. Karatkevich prohibited video- and photo shooting, satisfying the request of the Ministry representatives. It was allowed to use only audio recorders. The plaintiff's interests were represented by S. Pratasavitski, doctor of juridical sciences and Piatro Martsaw, Director General of the "Marat" enterprise. The Ministry of Information was represented by the main juridical consultant Alaksei Lukhverchyk and the Head of the main juridical board Liliya Bohdan. We should remind that the publication "Lordly Image") No. 57 of 18 April 2003), for which "BDG" received a warning on 20 May, was a poll whether A. Lukashenka, being Head of the State, had the right to use the presidential plane as he wished. The Ministry of Information considered it as an attempt to insult honor and dignity of the President and give false information to citizens. Minister M. Padhainy took the opinion that by these publications Articles 5 and 40 of the Law "On Press" were violated and, being guided by Article 16 issued a warning to the newspaper. At the trial the plaintiff's representative stated that the mentioned material didn't contain any information that insulted the President's honor and dignity (Article No. 5 of the Law "On Press") as it was only written that A. Lukashenka "proposed" S. Korolyova to use the presidential plane. As regards the demand the journalists should check whether their information is true (Article 40), the plaintiff emphasized that the article author had no reasons to doubt the facts as the publication was grounded on S. Korolyova's personal interview to the Russian newspaper "Magapolis-Press". So the editorial staff of "BDG" didn't admit having violated the Law "On Press" and considered the warning illegal. On its behalf, the Ministry of Information built its position on "adequate perception of the information", stating that in the readers' eyes the article "Lordly Image" looked like a statement saying A. Lukashenka used the presidential plane for his own purposes. They proved this position by the article of the Russian newspaper "Izvestiya" of 31 May 2003 where the essence of the "BDG" article was interpreted in this way. Besides, the Ministry attached to the case materials the letter from the authorities of "Belavia" company to the Minister of Information M. Padhainy, where they disproved the unintended usage of A. Lukashenka's plane. Having heard both sides, the judge went out of the hall and in about 15-20 minutes pronounced her verdict: to reject the suit of the "Marat". The decision came in force and can't be changed.

On 18 June SWAT team "Typhoon" seized the print run of the Predprinimatelskaya Gazeta. Five thousand copies of the Predprinimatelskaya Gazeta, printed in a Smolensk printing press, were taken to Minsk. Near Dubrowna of Vitsebsk region the "Typhoon" team in a car with license plate 0228 BT detained the car with the newspaper print run. At that moment the Russia-Belarus border and customs were successfully passed. The

officers did not tell the driver any reasons for the detention. They only said they were taking the newspaper "for clarification".

On 19 June the Supreme Economic Court rejected the suit of the BDG editors (Marat company) to the Ministry of Information. The warning of 22 May for article «Where Are Lavonaw's Millions?» was left in force. In the beginning of the hearing Judge Alena Nikalayeva satisfied the motion of the Information Ministry, prohibiting video-taping and taking photographs in the courtroom. The same lawyers appeared for the Ministry, as during the trial on 17 June on the first reprimand to the "BDG": the Ministry's chief law adviser Aliaksei Lukhverchyk and head of the main advisory department Liliya Bohdan. Advocate Yawhen Malinowski appeared for the "BDG". The newspaper received a reprimand for an article "Where Are Liavonaw's Millions? National Prosecutor's Office Can't Answer This Question. Searching…" It was issued on May 22, 2003. According to the Minister's order, the newspaper " published the criminal case materials without a written permission of the judge", thus violating Article No. 5 of the Law "On press" (During the trial Lavonaw requested to attach his speech to the case materials, and the article cited his words). At the trial the newspaper representative stressed that the "BDG" reporter had been present during the open trial, where he had been officially accredited. When preparing an article he used not the case materials, but a tape recording, which is the property of the reporter, underlined defense lawyer Malinowski. Thus, the editorial board considers the Ministry's claims ungrounded, and the reprimand illegal. According to Article. 61 of the Code of Economic Proceedings Code, in such cases it is the responsibility of the State body to prove their act has legal grounds. However, during the trial on 19 June the Ministry's lawyers simply referred to the statement of the Prosecutor's Office "On liquidation of violations of the Law on press and other mass media", which became the ground to issue the reprimand. They stated the Prosecutor's Office is a qualified body, and it was not their duty to examine its actions. After a short break Judge Nikalayeva announced her decision: to turn down the lawsuit.

On 19 June S. Nichyparovich, vice-Minister of Information, issued a warning to the Predprinimatelskaya Gazeta, published by the "Marat" company and signed the order to suspend the edition for three months. The editorial staff received both documents by mail on 23 June. The warning was given for the newspaper article "Lawful Lawlessness" (No. 17 for 9-16 June), devoted to dismissal of Uladzimir Tselesh, director of the state printing press "Chyrvonaya Zorka". The article stated that the reasons for dismissal of U. Tselesh remained secret and that this action had no legal grounding. The Ministry answered that the employment contract with U. Tselesh was severed in accordance with Article No. 259 of the Labor Code. So, the Ministry of Information took the view that the

publication had violated Article. 40 of the Law on Press, according to which journalists had to check whether the information they received was true. Lubow Vashkevich, vice-head of the "Marat", said that the editorial staff would complain against the warning and the vice-Minister's order. At the same time, after suspension of the Predprinimatelskaya Gazeta, "BDG" journalists have no possibility to deliver their articles to readers.

On 25 June the third session of Smarhon Deputy Soviet of the 24th Convocation took place. N. Shysh, Head of the Soviet, called the Novaya Hazeta Smarhoni an "illegal" edition. For that reason he proposed the Soviet members to vote for non-admitting the newspaper's former chief editor, head of the Belarusian Association of Journalists Alina Suravets to the session. The majority of deputies shamelessly supported this lawless proposal. The session was waiting for A. Suravets to leave on her own for half an hour. Finally, Head of the Soviet rudely pressed on the Soviet member M. Liakhowski, a police official, telling him to execute the session decision. The duty policeman Viktar Rahinski executed the official's order and led A. Suravets out of the hall. The Head of the Soviet asked his colleagues whether the session could close the newspaper at all, but M. Liakhowski categorically said that the session had no rights for that. Many of the Soviet members, just as the head of the Soviet wanted it very much, though. The Soviet member Ramuald Ulan wasn't allowed to speak in the "miscellaneous" section because he allegedly posed many remarks during the session and ran out of his time limit. At the end of the session the deputies also decided to establish a commission for checking Ramuald Ulan's income declaration and possible annihilation of the election results. The reason for it was the film "Pautina" ("Cobweb") with the information that Ramuald Ulan had an account in a Vilnius bank. They didn't listen when he said that he wasn't in Lithuania in 2002 and couldn't receive any income.

On 30 June the Belarusian office of IREX held a press conference during which the information, distributed by Belarusian TV in the anonymous pseudo-documentary "Pautina" ("Cobweb") was disproved. The IREX officers said that they weren't going to cease their activity in Belarus and hoped to go through re-registration in August. The press release, distributed by the Belarusian IREX representation, said that "Pautina" film contained information that was not true, insulted honor and dignity and generally compromised the organization's activity. The Belarusian office of IREX emphasized that its activity completely met the charter goals and the organization status and was by no means directed at subversion of the national security of the Republic of Belarus, as presented in the film. The office authorities also pointed out that none of the anonymous film authors applied to the responsible officials for commentaries or explanations. It doesn't only contradict the common principles of journalism, but is also a violation of

Article. 40 of the Law “On press and other mass media” that obliges journalists to check all obtained information. “Our organization’s activity is open and transparent”, — stated Robert Ortega, Head of Belarusian IREX Bureau. He also said he can’t say who could inspire the film, answering with a question: “Who will profit if our organization stops existing and working for objective information of Belarusian citizens?..” According to R. Ortega, on 7 August the IREX registration term at the Ministry of Foreign Affairs of Belarus expires. He hopes that the Ministry will prolong registration to his organization as it strictly abided by the limits of the Statute and the Belarusian legislation. In the case of a negative answer, IREX will take appropriate steps to complain against this decision. At the end of the meeting R. Ortega invited the anonymous film authors to participate in the professional IREX trainings where they would be taught standards of journalism.

In June the sentence to the ex-editor of the Rabochy newspaper Viktar Ivashkevich, who received to 2 years of freedom restriction for libel upon the President, was cut by 1 year due to an amnesty.

On July 1 the Belarusian Association of Journalists expressed its solidarity with Pavel Selin, special correspondent of the Russian TV-channel NTV, deported from Belarus. In its statement BAJ says: «The NTV channel enjoys well-deserved popularity among Belarusian viewers thanks to the high professional level of the editorial staff, sapidity of programs, objective and all-sided information. Pavel Selin is a TV journalist who honestly executes his professional duty and is most objective in elucidation of events. We, Belarusian journalists, can’t agree that Selin’s report was directed at destabilization of situation in the country. It was the objectivity and impartial view that dissatisfied the authorities of Belarus, where honest journalism is viewed as subversive activity against the country. We urge Belarusian authorities to stop pressurization of those, who have views different from their ideology. We, independent journalists, must unite our forces in defending the right to freedom of information».

On 1 July Judge of the Supreme Economic Court of Belarus Valery Shobik postponed consideration of the suit of the “Marat” enterprise against the Ministry of Information to 8 July. By its suit “Marat” complained against the warning of the Ministry of Information of 21 May for a series of publications, entitled “Afghan Greyhounds” and the article “Magic Crystal”, published in March, in No. 3 (14). According to the warning, the mentioned materials “contained untrue information, which contradicts Articles 32 and 40 of the Law “On press”. Lawyer Siarhei Pratasavitski presented “Marat” interests in court. The defendants in the case were Aliaksei Lukhverchyk, main juridical consultant of the Ministry of Information, and Liliya Bohdan, head of the main juridical board. Grounding their position, they simply referred to the definition of the Prosecutor’s Office of Belarus

"On liquidation of law violations in press and other mass media", that brought the warning. The defendants said that they didn't doubt the competence of the Prosecutor's Office and had no obligation to check its objectivity. According to Article 3 of the Economic Procedures Code of Belarus, in such cases state bodies have to prove legality of its non-normative acts that are complained against. However, the Judge decided to postpone the trial and obliged the newspaper founders to find evidence that the newspaper information was true". That's why on 8 July not the Ministry of Information, but the editorial office of "BDG. Dlya Sluzhebnogo Polzovania" will have to prove its innocence.

On 2 July Alina Suravets, head of Smarhon district branch of the Belarusian Association of Journalists, applied to Hrodna Regional Soviet and Smarhon District Prosecutor's office with the demand to set aside the decision of Smarhon District Deputy Soviet of 25 June, by which she was dispelled from the hall of sittings as a journalist of the Novaya Hazeta Smarhoni", which Mikalai Shysh, the Soviet Head called an illegal edition. In her suit Alina Suravets pointed out that this decision contradicted a number of legislative norms, including Article 23 of the Constitution (permission to limit rights and liberties only in the cases, specified by the law, for interests of national security, public order, protection of morality, health of the population, rights and liberties of other individuals); Article 16 of the Law "On local government and self-government" (openness and publicity for sessions of Soviets); Article 39 of the Law "On press and other mass media" (the right of journalist to attend places of publicly important events and pass information from them). At the same time, Ramuald Ulan, founder of "Novaya Hazeta Smarhoni" applied to the prosecutor's office with the demand to prosecute Mikalai Shysh for slander, because the newspaper was issued legally.

On July 4 Horki District Deputy Soviet voted a newspaper reporter out of its session. On proposal of the Soviet head, Mr. Khalava, the majority of the Soviet members, present at the session voted to expel the reporter of the Rehiyanalnyia Vedamstsi newspaper and the unregistered edition Dziadzka Taras from the session. The journalists felt indignant with such behavior of council members, as every elector has the right to presence at sessions of local self-government bodies.

On 4 July the Belarusian Association of Journalists applied to the Minister of Information with the request to clarify why Belarusian printing presses refuse to work with certain independent editions.

According to BAJ, primarily these are the newspapers that have published articles, written by the journalists of the suspended Belorusskaya Delovaya Gazeta. This appeal

was filed on request of Anatol Vaitsiakhowski, founder and chief editor of Baranavichy Mestnaya Gazeta Shag newspaper. In the end of July Slonim and Niasvizh printing presses severed agreements with the newspaper. Since that time all printing presses refused to print the edition, referring to lack of the technical capacity. BAJ thinks the reason is far-fetched. For instance, BAJ Board knows Slonim printing house has problems getting orders. BAJ Board says, “Otherwise we would have to state the enterprises, many of which belong to Information Ministry, have an extremely low productive capacity, restraining the development of mass media in Belarus”. BAJ points out that the Mestnaya Gazeta Shag case is not an exception: The Salidarnasts newspaper faces similar problems. Alexander Starykevich, its editor-in-chief, believes the newspaper is punished for cooperation with The BDG. BAJ stresses, the Belarusian legislation does not ban publishing materials, written by journalists of suspended editions, in other editions. One of the Information Ministry’s functions is “to prevent the abuse of free editorial activity and to develop the rights and liberties of citizens of the Republic of Belarus”. Keeping that in mind, BAJ asks the Minister whether the printing presses have really received official recommendations not to print the Mestnaya Gazeta Shag and the Salidarnasts newspapers as well as other editions that published articles by the BDG journalists. BAJ also wonders whether Belarusian printing presses have technical capacities for printing these newspapers weekly with total circulation of 20 000 copies. BAJ also addressed the Minister with the request to help find the polygraphic base in Belarus for printing these newspapers.

On July 7 the Supreme Economic Court started proceedings in the suit of Volnitsa-media publishing house against the Ministry of Information and the Ministry of Finances. The Liberal democratic Party of Belarus will act as the third party on the claimant’s side. Volnitsa-media publishing house sues the Ministries for delays of registration if The Demokraticheskaya Gazeta newspaper (founded by Liberal Democratic Party of Belarus). Volnitsa-Media demands to recognize their actions unlawful and compensate for the losses of the publishing house (2,207,774 BYR; ~ 1.100USD). Judge Valery Zhandaraw considered the application and decided there were enough grounds to start proceedings. On 4 October 2002 Liberal Democratic Party applied for registration of The Demokraticheskaya Gazeta to the Information Ministry. However, the Ministry has never replied. That’s why Volnitsa-Media publishing house, created especially for the purpose of publishing this newspaper, still has no chances to start their activities, receive profit, and, accordingly, pay the office rent. The publishing house rented an office in the building, which belongs to the Board of the President’s Affairs. One month ago, June 12, Minsk city economic court heard the suit of the Board of the President’s Affairs to Volnitsa-Media and ruled the publishing house had to pay the claimant 4,342,000 BYR.

On 7 July the Soviet of Ministers of the Republic of Belarus ruled to close the local office of the Russian TV-company NTV in Belarus. The office will have a chance to resume its work in Belarus only in six months, as this is the officially provided term for opening of a new office by any foreign mass media.

On 8 July the Supreme Economic Court has considered the suit of the "Marat" enterprise, editor of the BDG newspaper and its supplement "Dlya Sluzhebnogo Polzovania" with the demand to annul the warning of the Information Ministry for the article "Magic Crystal" by Iryna Khalip. Having heard the testimonies, Judge Valery Shobik found the warning illegal in the part where it says that the newspaper actually justified the corrupted activity of the former head of "Beldziarzhkharchpram" V. Kazeka and his son Viktar Kazeka, head of the sales department of "Cristal" enterprise. This accusation of the Information Ministry was set aside. However, the court didn't satisfy the rest of the suit against this state body. The warning for calling workers of the law machinery "lobbyists" of business structures was left in force. Commenting this decision, representatives of the "Marat" pointed out that though the court didn't acknowledge the Belarusian prosecutors as lobbyists, it recognized that they were extorting a bribe, which is a much more serious accusation. According to the court decision, the Ministry of Information will have to pay 140 000 rubles to "Marat" to compensate the state fee for the suit. However, right after the end of the trial the Ministry representatives said they didn't have such amount of money as on the eve of the trial the Prosecutor's office found many violations in their work and fined them about 100 000 USD.

On 9 July the Supreme Economic Court considered the suit of the Marat enterprise, the publisher of the «Belorusskaya Delovaya Gazeta» and the supplement to it «BDG. Dlya Sluzhebnogo Polzovania». The orders of the Information Ministry about the suspension of both newspapers for three months were left in force… The publishing enterprise "Marat" complained against the order of the Information Ministry to suspend the newspaper "BDG. Dlya Sluzhebnogo Polzovania" for the articles "System Counts no Victims" about the suicide of the former transport minister Alexander Lukashow and the "Magic Crystal" about manipulations at Minsk factory of alcoholic beverages. On the eve of the trial the warning for the latter article was partially set aside and the "BDG" representatives hoped that the order of the Information Ministry would follow, all the more so that at the trial the "Marat" lawyer Siarhei Pratasavitski again stated that the editorial staff didn't change its position that the present transport minister, Mr. Baravy, didn't attend the funeral of his predecessor Lykashow, though the newspaper had been warned for this very information. Absence of Mr. Baravy was witnessed by two "BDG" journalists, relatives of Mr. Lukashow could also confirm that fact. In the court the letter

of the first vice-transport minister was read. The vice-minister wrote that his boss was present at the funeral. It was enough for Judge Mikalai Pazychuk. The Judge refused to consider the suit against the Information Ministry. It means that both orders, about suspension of the "BDG" and its supplement, will stay in force till the end of August. The order about the "BDG" issue suspension is still in force, like the three similar orders to suspend other "Marat" editions – the Echo, the Predprinimatelskaya Gazeta, and the BDG. Dlya Sluzhebnogo Polzovania.

On 10 July the Prosecutor's General Office issued personal warnings to Sviatlana Kalinkina, editor of the BDG and the BDG. Dlya Sluzhebnogo Polzovania newspapers, and the general manager of the Marat company Piatro Martsaw. They were warned "for illegal production… of a mass medium under different titles after the decision to suspend it". As for the legal aspect of the case, a newspaper under a different title is actually a different newspaper, even if it is produced by the same journalists and the same equipment.

On 10 July the Belarusian authorities refused to prolong the accreditation to the Belarusian office of the American charity organization «Inter-news Network». Andrei Savinykh, press-secretary of the Ministry of Foreign Affairs, said that Belarusian authorities refused to prolong accreditation to the representation of the American charity organization "Inter-news Network" due to the fact that its program was "excluded from the list of the US aid, approved by the Belarusian Government". The Belarusian office of "Inter-news Network" has worked in Belarus since 2001, giving consultations to independent regional TV-companies. The aim of the organization was to develop democratic institutions and mass media in post-Soviet countries. Alexander Parfiantsow, executive director of the office, believes that this decision of Belarusian authorities was politically motivated and, like closure of the IREX representation, intended to cut Belarusian independent mass media off from foreign support.

On 15 July Minsk residents could buy an issue of the Russian Novaya Gazeta weekly through the network of independent distributors. The front page of the weekly read "Special Issue for Belarus". All materials, contained in the issue, were written by journalists of the banned "BDG" newspaper. The circulation of the special issue was 119 160 copies. "BDG" editor-in-chief Sviatlana Kalinkina hopes the Novaya Gazeta will continue cooperation with "BDG". Among stories of the Novaya Gazeta Belarusian issue there is a chronicle of unsuccessful attempts of the BDG editorial board to appeal against the order of newspapers' suspension; refusal of the official Minsk to invite Council of Europe Commission for Investigation of Disappearances of People in Belarus; prospects of creation a joint Belarus-Russia enterprise on the basis of Beltransgas company. Two

pages are dedicated to the memory if Vasil Bykaw: unpublished Bykaw's interview to Siarhei Shapran, and recollections of Bykaw's best friend, poet Ryhor Baradulin. Sviatlana Kalinkina is sure nothing can provoke a reaction of the Belarusian Prosecutor's Office. All data, given of the editorial board, are Russian, the front page shows no connection between the Novaya Gazeta and the BDG. In case the Belarusian authorities are again unsatisfied by distribution of BDG materials on the Belarusian territory, Kalinkina recommends them to address their claims to the Russian Ministry of Press.

On July 21 Slonim printing press refused to print the Mestnaya Gazeta Shag newspaper when on 17 July it published materials of the BDG journalists. The next day after materials, written by the BDG journalists, appeared on pages of the Mestnaya Gazeta Shag, Anatol Lahutsik, director of Slonim printing press, annulled the contract. He referred to the fact, that "for technical reasons, the printing press has no possibilities to further print the newspaper". The Mestnaya Gazeta Shag, a Baranavichy independent newspaper, directly links that fact to the action of solidarity of their edition with BDG. Founder and chief editor Anatol Vaitsiakhowski told BAJ, the next day after Slonim printing press printed the Mestnaya Gazeta Shag with BDG articles, it was visited by the state inspection. On Friday, Liudmila Edar, the printing press marketing manager, was fired. The printing press director Anatol Lahutsik got to hospital with a heart attack. Sviatlana Kalinkina, the BDG chief editor, says, "If earlier someone doubted that Information Ministry insisted on censorship in printing presses, now there is no ground for any doubts". Anatol Vaitsiakhowski says, this week they planned to publish two more issues of their newspaper with BDG materials.

On 23 July the Supreme Economic Court turned down the suit of the Navinki newspaper against the Ministry of Information. The warning, issued on 22 May for violation of Article No. 5 of the Law on press, "by the article "Opium for Masses" in No. 11 (90) and for the headline in the "Analytics" column that "offended the public morality", was left in force. The plaintiff's interests were represented in court by the editor-in-chief Pawluk Kanavalchyk and advocate Tatsiana Stankevich. They tried to prove that the names of the two articles that were mentioned in the warning, weren't harmful to the morality of the readers as the words, used there, are widespread among youth and often used in other mass media, especially electronic ones. Tatsiana Stankevich stated that the artistic value of the articles could be disputable, but absence of moral harm was evident. This opinion was supported by the conclusion of Belarusian PEN-center, prepared for the trial and read in court. The Ministry of Information, represented by Aliaksei Lukhverchyk, its main legal consultant, and Liliya Bohdan, head of the main juridical board, insisted on amorality of the expressions, used in the headlines. A.

Lukhverchyk stated that the newspaper expressed its disrespect for the entire society, as it was being distributed not only by subscription, but sold through the State distribution net. L. Bohdan spoke about the drop of moral values in the society, blaming mass media, especially electronic ones, and said that it was the duty of the State to defend its citizens. The Judge announced breaks twice for the sitting. At about 4 p.m. he pronounced the verdict to reject the suit, obliging the plaintiff to cover the legal costs and leaving in force the warning. We should remind that the two warnings allow the information minister M.Padhainy to suspend the newspaper edition for 3 months.

On 24 July Walter Schwimmer, Secretary General of the Council of Europe, speaking at the Session of the OSCE Committee in Vienna said that the organization strongly urged the Belarusian authorities to adopt a new law on the mass media, taking into consideration the evaluation of the situation in the country given by the Council of Europe and the OSCE. "All of us welcome the resuming of the OSCE activity in Belarus and hope that it will favor the future integration of the country into European bodies. During the June visit of Ambassador Heiken to Strasbourg we agreed to coordinate our actions and cooperate during the whole term of his work in Minsk. Regrettably, the latest news from Belarus is mainly negative: for instance, the undemocratic suspension of some of the major opposition periodicals and the closure of the NTV office in Belarus. The Council of Europe still has much desire to see Belarus as part of Europe, as a country with real democratic institutes, respect for human rights and free activity of the civic society representatives, " – said W. Schwimmer.

On 28 July it became known that Alexander Ladziata, director of Symon Bydny Niasvizh printing house, was fired. Last week this enterprise printed an issue of Baranavichy newspaper the Mestnaya gazeta "Shag" with articles written by the BDG journalists. On 28 July Mr. Ladziata phoned the "Shag" editor-in-chief, informed him that he had been fired, and apologized for being unable to perform the agreement between the printing house and the newspaper's editorial board. The printing house in Niasvizh was the only one of about ten enterprises to agree to print the Mestnaya Gazeta "Shag". According to Anatol Vaytsiakhowski's information, the Presidential administration ordered printing houses to refuse from cooperation with this newspaper and the regional one titled the Mestnoye Vremya. A. Vaytsia¬khowski intends to complain to the regional economic court, as the agreement with Niasvizh printing house was for one year. He says that the order of 10 000 newspaper copies was a good chance for the printing house to improve its financial situation, as it worked at old equipment and had financial problems all the time.

On 28 July Information Minister Mikhail Padhainy signed the order to invalidate registration certificates of 35 editions, including The Den independent newspaper. The editorial board struggles to cancel the illegal order. However, the process can get complicated due to the retirement of M. Padhainy. Under Article 9 of the Law on press, a registration certificate becomes invalid if an edition does not publish a single issue during 12 months. The last but one issue of The Den was published on 25 July 2002. The last issue, devoted to Hrodna period of Vasil Bykaw's life, was published at Maladechna printing house "Peramoha", on 23 July 2003. A part of the circulation was spread through private distributors on the following day. "So, the newspaper observed the requirement to be issued at least once a year", — Henadz Barbarych, The Den editor, stated in his address to the Information Ministry on 31 July. Some of the Ministry staff agree with the arguments of the editorial board., Liliya Bohdan, head of the Ministry's legal department, said the order had been prepared by the department for registration of mass media, which listed The Den by mistake. At the same time, Viktar Huretski, head of the registration department, thinks the editorial board was to blame for the mistake, as it should have paid more attention to the situation and informed the Ministry. The editorial board states, it is the duty of printing houses to submit copies of printed newspapers to the Ministry. The board believes this decision was deliberate. On 31 July Henadz Barbarych met the Minister in one of the Ministry corridors, the latter refused to speak, only saying: "What do I have to do with this?" and left. The editorial staff is indignant at the Ministry's actions: 3 500 copies of the newspaper remain undistributed as "Belsayuzdruk" and "Belposhta" refuse to take them for distribution, referring to the Minister's order. The newspaper is incurring financial losses. "We are astonished by the fact that the Ministry needed only a couple of hours to close the newspaper, but has already spent more than a week thinking if it should cancel its illegal order", — says Henadz Barbarych.

On July 31 the Supreme Economic Court rejected the complaint filed by Ramuald Ulan, founder of the Novaya Hazeta Smarhoni. The court confirmed it was legal to deprive Ulan of an entrepreneur's license. It was the forth attempt to appeal against the ruling of Hrodna regional economic court. The Supreme Economic Court did not find "grounds to protest against the ruling". Senior deputy of the Court's head Ya. Smirnow decided Ulan really had regularly violated the legislation in 2002. In his complaint Ulan referred to the letters of the Ministry of Justice and Ministry of Economics. The Ministries confirmed it was illegal to liquidate an entity for violation of labor and fire safety regulations. The Judge decided otherwise.

In July Robert Ortega, Head of Minsk IREX office, said that in the morning of 7 July they received a letter from the Ministry of Foreign Affairs, signed by vice-Minister Herasimenka. The letter said that the re-registration inquiry was rejected and therefore IREX would have to close its Minsk office by 7 August. IREX is going to appeal against this complaint to court as soon as possible.

In July the Committee for Protection of Journalists condemned liquidation of the NTV correspondent station and denial to prolong accreditation to the representations of the American organizations IREX and Inter-News. "The massive campaign against disloyalty launched by Alexander Lukashenka has reached a disastrous scale and threatens to cut the Belarusian public and the world off from the knowledge about the repressive actions of the regime", — stated the CPJ executive director Ann Cooper. "Lukashenka and his bureaucrats must understand that their actions will result in negative international resonance. He and his administration must immediately stop persecution of the independent press." The CPJ Executive officer pointed out that the continuing assault on the free press started at the end of 2002, and the pressure has recently increased. Several independent periodicals, including the Navinki, the Echo, the Predprinimatelskaya Gazeta, the Vecherni Stolin and the Pravintsyalka" were closed almost simultaneously.

In July the Ministry of Information cancelled one of the warnings to the Predprinimatelskaya Gazeta, which, just as the Echo and the Salidarnasts, gave the BDG journalists the possibility to publish their articles in their newspaper.

On August 1 at his press conference for Russian journalists A. Lukashenka stated that in Belarus mass media were punished legally and accused the Russian ones of non-objectivity. Alexander Lukashenka expressed his assurance that in Belarus sanctions against mass media were used in full accordance with the present legislation. A. Lukashenka stated that he didn't divide the mass media into the State and the private ones, as all of them are registered by the State. If any of them violates the law, it faces appropriate sanctions. The Belarusian leader thinks that the Russian media still non-objectively cover the events in the country and deliberately hush up some of them. "I know quite well where it stems from. We have many friends, including journalists, who openly say that they have such tasks and vectors. ORT and RTR would rather cushion the events in Belarus", — said Luka¬shenka. According to him, Belarusians have a good understanding of what is happening to the Russian mass media. "There are many reasons for it. Maybe, some of our fault as well, but even if so, no one may offend the people", — he said. Commenting on the situation with the closure of the NTV office A. Luka¬shenka pointed out that it was made for many reasons as well. "Nevertheless", — he stated, —

"the decision to close the office of the TV channel was taken only when the distortion of events during the coverage of the country events turned into a purposeful action of support to the people in the country and abroad who can't bear the Russians". A. Lukashenka gave a positive evaluation of the planned establishment of a joint informational channel for coverage of the events in Belarus for the Russian regions. At the same time, he believes this idea will run up against hostility and animosity. The Belarusian leader said he had tasked the Belarusian Embassy in Russia with "accumulating" all the information about the country, preparing video and audio materials and submitting them to the Russian mass media. By the way, more than 70 correspondents of print and electronic mass media from 30 regions of the Russian Federation attended the press conference.

On 1 August Heidi Smith, Spokesperson for OSCE Office in Minsk, met with journalists in Minsk. She stated the OSCE office views the situation with the independent mass media in Belarus as "critical" and tending to get worse. According to her, the OSCE authorities know about the situation with independent mass media here. For instance, it was pointed out at the report of Freimut Duve, OSCE Representative on Freedom of the Media, on 30-31 July in Vienna. "It is really the most serious problem in Belarus, and we do everything we can to prevent worsening of the situation", — emphasized H. Smith.

From the beginning of August the staff of Minsk IREX office are preparing for closure. At the same time, IREX, whose accreditation expired in August, keeps filing complaints against the FM refusal to prolong it. The first complaint against the Foreign Ministry was submitted to the Supreme Economic Court on 25 July. On Monday, 4 August, IREX received its refusal to accept the complaint together with the filed documents. IREX representatives believe the judicial bodies have been deliberately delaying consideration of their case. IREX plans to challenge this court ruling in the office of the Head of the Supreme Economic Court. IREX lawyer Iryna Awchynnikava pointed out the Ministry accused IREX of law violations, although it did not abide by the law itself. The Ministry broke the law by giving no official reaction to official appeals within a 10-day term. IREX did not receive any reply on its request to extend the liquidation procedure, as the office staff had to work 12 hours a day in order to stop all the projects in Belarus. The lawyer says despite the fact that IREX complaints are still at the Supreme Economic Court, the organization stops its activity in Belarus.

On 6 August IREX addressed the deputy chairperson of the Supreme Economic Court with a complaint. Lawyer I. Awchynnikava hopes the court will take the complaint for

consideration and will make «legal evaluation» of the actions of the Ministry of Foreign Affairs.

On August 7 IREX stopped its work in Belarus. IREX still hopes to win the suit against the Ministry of Foreign Affairs, which had stripped it of the accreditation. IREX lawyers filed a complaint against the actions of the Ministry to the Supreme Economic Court on July 25. However, the court refused to take the complaint into consideration, referring to the absence of the official decision of the Ministry to stop IREX activities. The court does not consider the official letter of the Ministry, received by IREX on July 7, an official decision. Belarus has become the first and only country in the world refusing from cooperation with IREX.

On August 13 The Borisovskie Novosti was banned in Barysaw. The local administration of the state-owned shops network has declared a ban on sales of The Borisovskie Novosti independent weekly in shop #20. It is already the fifth shop that “expelled» the

DEFENDING THE RIGHT TO TRUTHFUL INFORMATION ABOUT THE DISAPPEARED

On 9 January Zinaida Hanchar claimed the procurator's office had not interrogated so far the major witnesses in the case of her husband Viktar Hanchar's disappearance. She told this commenting on the investigation agency's intention to suspend the investigation into the disappearance of Hanchar and Krasowski. Zinaida Hanchar believes that there has been no investigation into the case of her husband's disappearance. The investigation agency has declined all of the petitions lodged by her and her lawyer Harry Pahaniayla. Mrs Hanchar says the explanation was the investigator's failure to interrogate high ranking officials, the major witnesses in the case – and, first of all, the Procurator General of the Republic of Belarus Viktar Sheiman.

On 15 January the Minsk city court considered the complaint by Ihar Aksionchyk, the former lawyer of the Zavadzki family, and left the verdict unchanged…We want to remind you that in November 2002 Ihar Aksionchyk was sentenced to a year and a half in prison, the term suspended for two years, on a charge of disclosing secret information related to the investigation into the disappearance of the ORT cameraman Dz. Zavadski. Meeting journalists the lawyer made a statement implicating Viktar Sheiman, Procurator General of Belarus, in the disappearances of the people known throughout Belarus.

On 20 January an action devoted to the problem of disappearance of well-known people took place in the center of Minsk. At first the action organizers wanted to hold it in Kastrychnitskaya Square. However, due to visit of Vladimir Putin, the action had been transferred to Yanka Kupala Park. The center of the city was ringed by the police. Friends and relatives of the missing gathered near Kupala Park and began to move towards Kastrychnitskaya Square, but were stopped by the police. After the unsuccessful attempt to get to Kastrychnitskaya Square about 50 action participants went to the building of Belarusian State TV and Radio Company in Chyrvonaya Street and then to the House of Press in order to pass appeals to the heads of the State mass media that either hush up the problem of political disappearances in Belarus or give perverted and insulting infor¬mation.

On 20 January 2003 a year passed since disappearance of Yury Korban, 24-year-old student of Vitsebsk State University, the head of Center of Youth Initiatives Contour, activist of the BPF who participated in the presidential campaign. This action was initiated by relatives of the kidnapped Belarusian politicians and public activists who expressed their concern with Yury Korban's fate: "We, mothers and wives of the

kidnapped politicians and public activists, understand pain and suffering of Yury Korban's friends and relatives. We know how difficult it is to wait, how hope weakens with every upcoming day. We also know pretty well how our law enforcement agencies work. Today we want to remind you, who live in Belarus, that the state doesn't guarantee our security, nobody is safe from such tragedies and grief can knock on your door at any moment. The most terrible thing is to be left alone with it".

On 22 January the criminal case about abduction of Viktar Hanchar and Anatol Krasowski was suspended because of "absence of investigation perspectives". Iryna Krasowskaya was informed about this by head of the investigative group Uladzimir Chumachenka. The investigation has lasted since September 1999. The prosecutor's decided to prolong the investigation terms no more. According to the Zakharanka's representative Aleh Volchak, the investigator also informed him about the upcoming suspension of Yury Zakharanka's case without giving any reasons for this. At present both rulings of U. Chumachenka about suspension of the cases are in the Prosecutor's General office.

In January a new civil initiative called "Hoping and believing" was created in Belarus. It is going to coordinate the activities of different political and public forces that want to know the truth about the public and political figures who disappeared.

In February the case about the disappearance of the journalist Dzmitry Zavadski was suspended. The decision to suspend the case was taken by the Head of the investigative group Ivan Branchel, who had investigated into the disappearance from the very beginning, July 2000. In February Zmitser's wife Sviatlana Zavadskaya received a note signed by Branchel, with the following explanation for the case suspension: "in connection with the fact that the person missing wasn't found". Sviatlana Zavadskaya thinks she is being fooled. She remembers that last year, after the trial over Ihnatovich's gang, the episode of abducting of Zavadski was made a separate case. After the complaints, filed at the end of the last year, the case was resumed and then suspended again in less than 2 months. At present Sviatlana Zavadskaya and lawyer Siarhei Tsurko prepare a complaint against Ivan Branchel's decision and also consider the possibility to get the case transferred to the national KGB jurisdiction. We should remind you that last year Minsk Regional Court found the ex-worker of special police forces Valery Ihnatovich and his three accomplices guilty of abduction of Zavadski. Ihnatovich received life sentence, but didn't say where Zavadski's body was. Many people think that the court saved his life for keeping silent about the influential persons who had relation to the disappearance of the journalist.

On February 19 the Amnesty International branch of the Dutch city Naadtorp sent a letter to Alexander Lukashenka. In this letter the branch members expressed their concern with the absence of progress in the investigation of political disappearances. Representatives of the human rights organization stated that sooner or later the truth about the missing people will be found out.

On 6 April a Chain of Concerned People action took place in Minsk. It was devoted to the 4th anniversary of the death of Henadz Karpenka, vice-speaker of the Supreme Soviet of the 13th convocation. Dozens of people came to Kastrychnitskaya Square with Karpenka's portraits in their hands to attest to the memory of the great son of Belarus. The peaceful picket ended with detentions. Riot squad officers detained Siarhei Lapusta and Andrei Kozel, members of the United Civic Party for distribution of leaflets with information about Henadz Karpenka. The colleagues honored the memory of Karpenka under a cloud of another occurrence. The day before strangers beat the younger brother of Henadz Karpenka in Pawdniovy Zakhad district of Minsk. According to Alexander Karpenka, the criminals acted boldly and professionally. They did not take anything, so the appropriate bodies can exclude robbery from their versions. Alexander Karpenka believes the attack on him was directly linked to the name of his brother, who he had last met three hours before he had a stroke, as it was reported later. According to the younger Karpenka, his brother felt well that day, and nothing predicted his imminent death.

On 20 May the wives of the missing Viktar Hanchar and Anatol Krasowski filed a complaint with Centralny borough court of Minsk against the City prosecutor's office, which had suspended investigations into what happened to them. Minsk city prosecutor's office has unsuccessfully investigated into kidnapping of Viktar Hanchar and Anatol Krasowski for 2 years. At the end of 2002 the investigation was dismissed. The official reason for dismissal was lack of chances to complete it. But the wives of the missing politicians, recognized the victims in the case, did not agree to the dismissal of the investigation. For 5 months Zinaida Hanchar and Iryna Krasowskaya complained against the ruling to drop the investigation to different levels of prosecutor offices, but all their actions had no effect. The prosecutors refused to resume the investigation. On 20 May the women filed a complaint to Centralny borough court of Minsk. The court has 10 days to decide whether to note the claim. If the borough court decides not to hear the case, the wives of the missing politicians will apply to city court, then – to the Supreme Court. They suspect the courts of all levels are going to dismiss their appeal. Then they will have legal grounds to address a court in one of the European countries. This might be court in Belgium or another European country, which hears cases of humanity crimes.

Lawyer Harry Pahaniayla comments: “If a European court considers sufficient our proofs that it is impossible to hear the case in Belarus, and notes the claim, certain Belarusian citizens will be announced suspects. Then it would be possible to seek after their detention and forcible delivery to court through the Interpol”.

On 24 June Minsk Central Borough Court refused to consider complaints of Zinaida Hanchar and Iryna Krasowskaya. Harry Pahaniayla, the author of the complaint, thinks that “most probably, the reasons will be standard – incompetence of the court to consider such complaints”. As early as the end of May wives of the missing political figures applied to court against the Prosecutor’s office that suspended investigation into the case of disappearance of Viktar Hanchar and Anatol Krasowski. According to the law, the term for a suit consideration is ten days, but the court took decision only now. We should remind that this very thing happened to the complaint of Dzmitry Zavadski’s relatives.

On 1 July members of the Russian Parliament factions met with Vladimir Putin, President of the Russian Federation, due to the end of the Duma session. At the discussion that lasted for 4.5 hours the question of the relations between Belarus and Russian was touched as well as the problem of the missing public activists in Belarus. V. Putin received the appeal, signed by leaders of 6 factions of the Russian Duma: Pekhtin of «Yedinstvo», Volodin of «Vsia Rossiya», Morozov of «Rossiyskiye Regiony», Nemtsov of «Soyuz Pravykh Sil» and Yavlinskiy of «Yabloko». It was an attempt to draw the attention of the President to the disappearances of politicians and journalist Dzmitry Zavadski in Belarus with the aim of positive influence on the investigation of these notorious cases in Belarus. V. Putin said that during his personal meeting with Lukashenka he would surely seek solution to these questions.

July 7 Minsk and Vitsebsk activists carried out actions in commemoration of Dzmitry Zavadski, who disappeared 3 years ago. About 100 people came to Kastrychnitskaya Square in Minsk. They held there portraits of Dzmitry Zavadski, Yury Zakharanka, Viktar Hanchar and Anatol Krasowski in order to remind the authorities and citizens about what had happened to those people. The action participants were standing along Frantsysk Skaryna Avenue, facing Alexander Lukashenka’s working residence. In Vitsebsk 8 UCP members went along Lenin Street with portraits of the missing. Some of the “watchful” citizens informed a police patrol about the action (at least, that’s how the two policemen explained their demand to show the official permission for the procession). The policemen also proposed the demonstrators to go to a police station, but they refused. After that four more ordinary policemen and two from special police forces came. Then a car with dark windows stopped. An unknown man in plain clothes interrupted the speech

of the police captain, who said that he knew how much opposition received for such actions. The car went further and the picket participants continued their way with no more obstacles.

July 7, the third anniversary since the disappearance of Dzmitry Zavadski, a cameraman with the Russian TV channel ORT, Reporters Without Borders and the Belarusian Association of Journalists (BAJ) condemned the silence and inaction of the authorities in this case and their refusal to shed light on the suspected role of senior officials in his disappearance. Zavadski's body has still not been found and the circumstances of his disappearance have still not been clarified, although several former members of interior ministry special units were convicted in connection with his disappearance last year. The independent press and foreign news media are meanwhile coming under growing pressure. Reporters Without Borders and the BAJ again urge the authorities to reopen the case and warn that they will continue to remind the Belarusian judiciary of its duties until the facts of the case are established. The two organizations wrote on 25 March to Ivan Branchel, who is in charge of the investigation, asking him to reopen it. They received no reply. Branchel had told Zavadski's wife Sviatlana Zavadskaya in a 27 February letter that he had decided to close the investigation because «the missing individual has not been found.» Reporters Without Borders and the BAJ point out that, given the continuing nature of the forced disappearance, the authorities are required by the European Court of Human Rights to carry on investigating until the victim is found. In the two organizations' view, the 16 July 2002 that produced a life sentence for Valery Ihnatovitch, the former head of the interior ministry's special police force, did not determine the exact circumstances of Zavadski's disappearance or identify who ordered his abduction. The Belarusian authorities claim that Ihnatovitch decided to take revenge on Zavadski because of an article he wrote in 2000 revealing that Ihnatovich had joined the independence fighters in Chechnya. However, a special sub-committee of the Council of Europe's Parliamentary Assembly that was set up to investigate the disappearance of opposition figures in Belarus reported on 27 November 2002 that the Belarusian authorities had still not given satisfactory responses on what had happened to Zavadski. Furthermore, two former members of the prosecutor's office who fled abroad, one of whom was Dzmitry Petrushkevich, the person in charge of the Zavadski case, alleged on 11 June 2001 that Viktar Sheiman, the Prosecutor General, and Yury Sivakow, the deputy head of the presidential office, had formed a «death squad» in 1996 when they were secretary of the security council and interior minister, respectively. This group was allegedly tasked initially with eliminating organized crime chiefs before being given «more political» missions. The allegations have never been investigated.

July 16 Minsk city Prosecutor's office resumed investigation of the case of Viktar Hanchar and Anatol Krasowski, kidnapped on 16 September 1999. Minsk Prosecutor Mikalai Kulik reversed the decision of Uladzimir Chumachenka, investigator of Prosecutor's Office, to suspend the investigation. Siarhei Kukharonak, investigator of cases of particular importance of Minsk city prosecutor's office, will investigate the case.

On 29 July Iryna Krasowskaya, wife of the missing businessman Anatol Krasowski, and her representative Harry Pahaniayla intended to pass a number of solicitations and documents concerning the case of Anatol Krasowski's disappearance to the new investigator of the Prosecutor's Office S. Kukharonak who has been in charge of the case since its renewal, but Kukharonak refused to meet with Krasowskaya in Pahaniayla's presence. Among the solicitations were demands to check different facts and information as well as the motion for admission of Pahaniayla to the case materials as Krasowskaya's representative. A number of photocopied documents were attached, such as a copy of preventive detention of the special brigade commandant Pawlichenka, signed by the KGB Head U. Matskevich and sanctioned by vice-Prosecutor General Snehir. The meeting was arranged in advance, but Kukharonak refused to meet with Krasowskaya in her representative's presence, and she refused to do it without him. After the 1.5-hour negotiations on telephone the prepared solicitations were left at the clock-board of Minsk City Prosecutor' Office.

Relatives of the missing politicians and the journalist Dzmitry Zavadski decided to establish a liaison office to coordinate the activities of different public and political initiatives investigating the cases of the kidnapped. This decision was taken on 30 July at the meeting, attended by the wives of the missing (Zinaida Hanchar, Iryna Krasowskaya), Z. Zavadski's mother Volha and wife Sviatlana, representatives of the parliament group "Respublika", the United Civic Party, Belarusian Labor Party, Communist Party, the unregistered organization "Young Front" and human rights organizations. Zinaida Hanchar said that one of the main tasks for the established office will be coordination of actions of different bodies, political and non-political, for finding out what has happened to the missing. The nearest plans of the office is cooperation with the special PACE commission for investigation of politically-motivated disappearances in Belarus, headed by the deputy of the Russian Duma Sergey Kovalyov, and fundraising for collection of information connected to the cases.

September 16, the fourth anniversary of the disappearance of Viktar Hanchar his wife, Zinaida Hanchar, applied to every member of the Chamber of Representatives with the question what everyone of them had done to find out the truth about the politically motivated disappearances in Belarus. In her letter she writes: "You have been a member

of the Chamber of Representatives of the National Assembly for almost three years. I am sure that You know that the investigation of the case about the disappearance of my husband has still produced no results, the persons guilty are not found and remain unpunished. I ask you to answer what You have done within the limits of Your broad deputy powers to find the truth about the circumstances of the disappearance of Viktar Hanchar. I know that the Special commission on the investigation of the circumstances of politically natured disappearances in the Republic of Belarus that was established by the PACE Committee on juridical issues and human rights, has officially applied to the parliament members through V. Kanaplow with the request to maximally facilitate collection of information and organization of personal meetings of the Commission members with the duty officials of the law machinery who, according to the Commission, can have information about the circumstances of disappearance of my husband. What have You personally done to facilitate the work of this Commission and find the truth in the cases of politically natured kidnaps in the country? I'd like to remind that, taking into account Your position, You are more concerned with the things that happen in our country. The future of the country and its citizens depends on You and Your action or inaction".

On 4 November Belarusian organizations of political refugees in France, Belgium, the Netherlands, and the Czech Republic arranged several pickets in order to draw public attention to the problem of political disappearances in Belarus. In Paris representatives of the Belarusian-European Association started the picket at 9 a.m. near the building where at that time a sitting of the special PACE commission on cases of the disappeared politicians took place. 10 persons who came there from Belgium stood there with posters and national flags. The action engaged the deputies' interest. The representative of the commission Bogdan Klikh came out to the pickets and talked with them for 15 minutes. At 11 a.m. Belarusian Center in Belgium arranged a picket line near the building of Belarusian Embassy in Brussels. About 20 persons took part. At the same time the Union of Belarusians in the Netherlands picketed Belarusian Embassy in the Hague. Representatives of the Union of Belarusians Abroad arranged a picket line in Prague.

November 10 Christos Pourgourides, special reporter of PACE «Subcommittee to shed light on the circumstances of the allegedly political disappearances in Belarus», said investigation of disappearances will continue in December, as a number of the planned meetings didn't take place. He claimed it was the fault of Belarus authorities. "They gave different reasons. According to the authorities, some of the people whom I wanted to meet with are not in Minsk. As regards the four persons who have been punished for the kidnap of Dzmitry Zavadski, it was proposed to me to submit a written inquiry to

Prosecutor General", — said Christos Pourgourides. He also pointed out that Minister of Internal Affairs Navumaw, Prosecutor General Sheiman and Minister of Sport and Tourism Sivakow answered his questions during the meeting. He doesn't plan to meet Lukashenka.

November 20 Iryna Krasowskaya, wife of Anatol Krasowski missing since 1999, met with Deputy Secretary of State Richard L. Armitage in Washington, D.C. She also had a number of top-level meetings with other State Department officials. Iryna Krasowskaya spoke in the Radio Liberty Washington Bureau press center to the representatives of non-governmental research and human rights institutions. Krasowskaya intended to remind the US government about the human rights violations in Belarus. She also had a goal to remind the Belarusian authorities that the United States would closely watch the kidnapping of opposition activists' cases and other human rights violations. During the meetings Krasowskaya raised the issue of the Belarus Democracy Act to be passed by the US Congress. The State Department press service informs, in her conversation with Richard L. Armitage Krasowskaya asked to continue supporting democratic forces in Belarus, and strengthen the pressure on Lukashenka's regime in the field of reforms and independent investigation into the case of her husband's disappearance. The Deputy Secretary of the State promised full support to the human rights movement in Belarus. He stressed the United States intends to further demand full responsibility of Lukashenka's regime for disappearances of opposition figures and repression.

On 28 November Minsk Frunzenski Borough Court acknowledged the journalist Dzmitry Zavadski dead. Dzmitry Zavadski's wife Sviatlana Zavadskaya filed the appropriate application to the court two months ago. Several hours were enough for Judge Natalia Andreyeva to consider the case and declare the journalist dead since the date of the ruling if the decision is not complained against. However, there's no hope for that as the representative of the prosecutor's office who took part in the trial upheld the verdict. Meanwhile, the position of the prosecutor's office in this issue looks quite controversial. On the one hand, the investigation evidently presented some evidence of Dzmitry Zavadski's death to Minsk Frunzenski Borough Court (otherwise the Judge wouldn't have been able to make such verdict). On the other hand, the persons who were found guilty of kidnapping of Dzmitry Zavadski, weren't tried for his murder. In opinion of the ORT worker Pavel Sheremet who worked together with Dzmitry Zavadski the investigation of Zavadski's case is suspended, the prosecutor's office doesn't want to continue searching for the journalist. He is convinced that the investigation really knows who is guilty of Dzmitry Zavadski's death. Pavel Sheremet thinks that the participants of the gang that murdered opposition politicians and executed other lawless orders of the

political authorities of Belarus are guilty of having murdered Dzmitry Zavadski. These people are to be sought in the circles close to the former head of the SWAT squad Colonel Dzmitry Pawlichenka, believes the ORT journalist. According to Sheremet, these people participated in special missions in Chechnya and Dzmitry Zavadski could somehow find out about it during his last mission there and therefore became their victim. Sviatlana Zavadskaya explained the court ruling helped her to solve some property issues, but in all other aspects everything remained the same. Sviatlana will continue the struggle to find out the truth about her husband.

December 4 Christos Pourgourides, PACE Committee on Legal Affairs and Human Rights Rapporteur, planned to continue his investigation into the cases of disappearances. He wanted to meet with officer of the special police forces Dzmitry Pawlichenka and the four convicts, found guilty of the kidnap of the ORT cameraman Dzmitry Zavadski. He also has made an inquiry for meetings with the former officials Mikalai Lapatsik and Aleh Bazhelka. However, he was told that he had to contact them personally as they weren't state officials any more. As regards meetings with Pawlichenka and the "Ihnatovich gang", "the Belarusian officials said that they had managed to "get" the materials of the report he was writing for Strasbourg. They claimed the report showed too much criticism. As a result, President Alexander Lukashenka got mad and cancelled all those meetings". In the beginning of January Christos Pourgourides hopes to finish his report about the disappearances. He also expressed the hope that the Russian authorities would help in the investigation of the disappearances in Belarus.

On 16 December Sviatlana Zavadskaya was summoned to the Prosecutor's Office of Belarus for interrogation, because the investigation of the case on disappearance of her husband was resumed. Sviatlana Zavadskaya had given the commitment not to give publicity to the investigation materials, that's why she didn't say what questions investigator Ivan Branchel asked her. However, she pointed out that she had already answered these questions at previous interrogations. "I had the impression that he asked me formally, knew the answers and, moreover, knew something about the fate of my husband that I didn't know. I was again disappointed with the interrogation. By the way, the investigator didn't hide that the case was resumed temporary and soon would be suspended again", — said Sviatlana Zavadskaya.

POLITICALLY MOTIVATED CRIMINAL PROSECUTION

On 16 January the Centralny borough procurator's office in Minsk passed a definitive ruling in the criminal case against Aksana Novikava charged with defaming Alexander Lukashenka (Art. 367, part 2 of the Criminal Code of the Republic of Belarus – defamation of the President). The case will now be heard in the Centralny borough court of Minsk. Aksana Novikava did not expect the prosecutor's office to act otherwise. "After the cases of Markevich, Mazheika, Ivashkevich, - she says, - The charges facing me and the refusal to relax them do not surprise me. I have a little child. My daughter is now a year and seven months. This punishment will affect not only me but also my child. And that's only because I said the president has something to do with the disappearances, including the well-known cases, and is responsible for the economic mess." Aksana Novikava was detained in Minsk on 17 October 2002 for distributing flyers in the vicinity of Kastrychnitskaya Square. The document that initiated the criminal case says, "On 17 October near 23 Skaryna Avenue Aksana Novikava distributed flyers that defame the president of the Republic of Belarus implicating him in a grievous felony." Aksana Novikava was distributing flyers which looked like police "wanted" notices. Below Lukashenka's portrait was a list of Criminal Code articles which Lukashenka she believes to have violated. Aksana was detained and, though, she had her little daughter staying alone home, kept in a detention center for nearly 48 hours. The lawyer Pavel Sapelka thinks that willing to avoid publicity for the charges in the flyer, the investigation agency placed most emphasis on the fact that Lukashenka has in fact never been in the wanted file. In particular, the police refused to summons the persons whose evidence could be a valuable help in the flyer case. The investigation officer should have started the fact-finding activities with interrogating the plaintiff (that is A. Lukashenka) about the information distributed by Aksana Novikava. The officer also should interrogate the individuals who had earlier held top offices – Bazhelka, Tsitsiankow and others. The Criminal Code of Practice decides on the launch of the criminal proceedings depending on the evidence given by Aksana Novikava. The charges facing Aksana Novikava may result in a fine or several years of limited freedom.

On 21 January Halina Bandazhewskaya, wife of the world famous radiologist Yury Bandazhewski, went to Paris to take part in the meeting arranged by the Amnesty International and tell people about the situation of the incarcerated professor. Despite numerous appeals of the community, doctors and international organizations, the ex-rector of the Homel Medical University Prof. Yury Bandazhewski is still behind the bars and suffering not so much from limited freedom but from lack of contacts with the scholarly community. In 2002 lawyer Siarhei Tsurko on Bandazhewski's behalf filed a

complaint with the UN Human Rights Committee in Geneva. Geneva confirmed the complaint is accepted for consideration. While the complaint is still under consideration, the former rector of the Homel Medical University Prof. Yury Bandazhewski will continue to serve the eight year term in the maximum security prison UZH 15/1 in Minsk.

In January the poet Slavamir Adamovich asked Norway for political asylum. In 1997 he was arrested by KGB and spent 10 months in prison for a poem that Lukashenka and his cronies did not like. Adamovich explains it is impossible for him to live and work in the country, where freedom and democracy are not respected. At present he stays at a refugee camp in the north of Norway.

On 20 March Minsk Centralny Borough Court was to have tried Aksana Novikava. But the trial was postponed to April 3, as Aksana Novikava's 2-year-old daughter had fallen ill. The criminal case against A. Novikava was initiated in October 2002 for distribution of fly-sheets. She was indicted for "libel upon the President of the Republic of Belarus and accusing him of a felony" (Article. 367 of the Criminal Code of the Republic of Belarus). Aksana Novikava had to sign an agreement not to leave the city.

At the beginning of February ex-prime minister Mikhail Chyhir stated the authorities showed no desire to leave his family in peace. Belahraprom¬bank, Chyhir had been in charge of for many years before taking the post of the prime-minister, sued him for 1 million US dollars spent on building the new bank office. During the previous court hearing when Chyhir was charged under 2 articles of the Criminal Code, the bank denied any financial claims against its former head. Now the matter took a new turn. However, Chyhir had spent 8 months behind the bars waiting for the previous trial. It all started when Mikhail Chyhir, head of the Belarusian government, resigned, expressing his disagreement with the policy of Alexander Lukashenka. The incident occurred before the shameful referendum of 1996. Chyhir openly opposed the anti-constitutional "popular vote". During the court hearings which Chyhir awaited behind the bars, and after the end of the trial Belahroprombank did not have any financial claims against him. At present, due to unknown reasons, the bank filed a suit against its former head, demanding 1 million dollars. Mikhail Chyhir is not going to give up, despite the special attention of the authorities towards his family. Chyhir's wife Yulia, charged with bodily injuries to a policeman, was sentenced to 2 years of conditional imprisonment. His younger son Alexander is serving a term for having allegedly sold stolen car parts. His older son managed to leave the country when he noticed ammunition, placed stealthily in his car.

On 4 April Centralny borough court of Minsk sentenced Aksana Novikava, charged with libeling Lukashenka, to 2 years of imprisonment with a two year suspension of

punishment. Novikava, 29, the mother of 2-year old daughter, was detained when distributing self-made leaflets, which accused the incumbent president of having committed a number of crimes; "complicity in seizure of power or unconstitutional prolongation of tenure in office, i.e. the crime under Art. 357 part 2 of the Criminal Code; complicity in murder of 2 or more individuals and their abduction (Art 139 part 2,1-2 of the Criminal Code); complicity in contraband committed by a group of individuals and with power abuse (Art 228 part 3 of the Criminal Code); complicity in tax evasion, committed by a group of individuals (Art 231 part 2 of the Criminal Code); and complicity in legalizing the material values, acquired in a criminal way (Art 235 of the Criminal Code)" (quoted from "Ruling to send the criminal case to the prosecutor for sending it to court", signed by M. A. Padziarei, investigator of Centralny borough prosecutor's office in Minsk. In the very beginning of the hearing Aksana Novikava challenged Judge Valery Yesman, because "he was personally interested in the result of the trial", having been appointed to this post by Lukashenka and being dependent on Lukashenka in his work. The court did not satisfy this motion, and the hearing started. Judge sentenced Aksana Novikava to 2 years of imprisonment with a two year suspension of punishment. When making his verdict, the Judge considered all positive references about Aksana Novikava and the fact, that she has a two-year-old daughter. When the ruling was announced, Novikava said she had not hoped for an acquitting verdict. "The verdict of not guilty was just impossible. As the Judge said, the guilt is proved, but not confirmed by either investigation or witness interrogation. That's why I believe the trial was just a formal procedure". Attorney Pavel Sapelka called the verdict unfair: "We will file an appeal against the sentence in the next 10 days. I hope, the higher courts, Minsk city court, or at least the Supreme Court will establish the truth in the case and will come to the only correct conclusion that the information spread by Aksana Novikava did not contain libel, i.e. deliberately false and dishonorable information about the person who was discussed in the leaflets. I believe, during the trial the defense managed to prove that the facts in the leaflets were true thus were not libel. This was also proved by the witnesses: Labedzka, Dabravolski, Pahaniayla, and the information contained in the documents we presented. Unfortunately, the court did not file inquires with the law-enforcing bodies, as we had requested. However, the response of the Prosecutor General is the most symbolic (it is contained in the criminal case of The Pahonia newspaper). It says: "It is impossible to prove or refute the facts, published in the articles of The Rabochy" (The facts have a ring of Novikava's statements)".

On 9 April Ambassador of Germany Helmut Frick and Ambassador of France Stefan Szmelewski visited the imprisoned professor Yury Bandazhewski, former rector of Homel medical institute, serving his term in maximum security prison 15/1. Professor Yury

Bandazhewski is an internationally famous radiologist, who studies the consequences of small doses of radiation on a human body. The meeting with the Ambassadors lasted for 1 hour. Yury Bandazhewski expressed his gratitude to the governments and people of the EU and other countries for the interest in his fate. The German Embassy explains in its press release, that the visit was made on request of the EU Council of Ministers.

On 29 April Halina Bandazhewskaya received permission to meet with her husband, the internationally known radiologist, professor Yury Bandazewski, in Minsk maximum security prison UZH 15/1. The professor's mother and elder daughter came to the meeting as well. Yury Bandazhewski, ex-rector of Homel Medical Institute, well-known expert in medical radiology and pathology, has been kept in Minsk maximum security prison UZh 15/1 for three years already. In 2001 he and his colleague, provost Uladzimir Rawkow, were sentenced to 8 years of jail for having allegedly received a bribe from a university entrants' parents. The amnesty decreased this sentence by one year, so 7 years were left for them. This case is sometimes called "a case of Homel Medical Institute" or "a case of doctors". One of the results of the imprisonment was that the professional activity of the doctors was stopped. The scientific research of Yury Bandazhewski and his colleagues, who under his supervision studied the influence of radiation on human body, contradicted the state policy – in the middle of the nineties the Belarusian government decided to reintroduce tillage of some of the polluted land. President A. Lukashenka publicly stated and continues to state that it is necessary to work in the polluted area. Research of Yury Bandazhewski and his colleagues proved that influence of small radiation dozes leads to accumulation of harmful substances in the human body. These substances then destroy all vital organs, including the heart, the liver and the kidneys. Bandazhewski is a member of New-York Academy of Sciences, his research into human development pathology as a result of Chernobyl accident, brought him international awards, among them – "Golden Star" of Albert Schweitzer and medal of Hippocrates.

On 13 May Minsk city court left Aksana Novikava's sentence unaltered. On 4 April 2003 Centralny borough court of Minsk sentenced Aksana Novikava to 2 years of prison with suspension of the sentence. Aksana was found guilty of slandering president Lukashenka under art 367 part 2 of the Criminal Code.

On May 28 resident of Niasvizh (Minsk region) Alexander Kruty was indicted for insulting Alexander Lukashenka. Alexander Kruty says the police are groundlessly persecuting him, having wrongly interpreted the text of the flyers. "Police read the words "he got" (he – meaning Lukashenka) as "he-goat" and started disseminating rumors

around the town that I called Lukashenka a goat. But that's what police think, I have nothing to do with that, but their own illiteracy," – said Kruty. The police kept Kruty in detention for 9 hours, then burst into his flat and searched it. According to Kruty, they were trying to find discreditable materials.

In July the UN Commission on Human Rights started considering the complaint of professor Yury Bandazhewski, ex-rector of Homel State Medical Institute against the sentence of the Supreme Court of Belarus, according to which in 2001 he was found guilty and sentenced to 8 years of jail. According to the procedure, all the questions of the complaint will be re-addressed to Belarusian state bodies, court and Prosecutor's office, and they will have to answer. Then the professor and his legal counsel will familiarize themselves with the answers and make their commentaries. Then the commission will study all the documents and answer whether Bandazhewski's human and civil rights were violated during the investigation and at the trial. In the event of the affirmative answer the sentence to Bandazhewski is automatically considered illegitimate, as according to the Constitution accusation can't be built on the evidence obtained with violations. That's why within a year (this is the term of the complaint consideration) we will find out whether Bandazhewski is guilty or not.

On 2 October Professor Yury Bandazhewski was urgently operated at the hospital of the Committee for implementation of punishments. According to the Committee Head Vasil Zavadski, Bandazhewski had ordinary appendicitis. The professor's wife found out about this from strangers after the professor had spent four days in the intensive care department.

December 18 Amnesty International started in action of support to Yury Bandazhewski. AI draws attention to worsening of Bandazhewski's health and urges to send letters to Alexander Lukashenka and other officials. The appeal of the human rights organization is spread through email and placed at the AI website. Amnesty International quotes the letter of the imprisoned professor: "I am really grateful, that I am not forgotten. The state of my health is not the best one, I am in depression… Medicine does not help and has many by-effects, including allergy. My last strength is leaving me''. Amnesty International considers Bandazhewski to be a prisoner of conscience and demands his immediate and unconditional release. On 10 November, Professor Bandazhewski`s wife Halina had big problems when trying to deliver a parcel of fresh food to her husband. (Earlier she had been allowed to do so). That time she got the parcel to her husband only after having talked to the prison administration official and showing him the written approval she had been given by the higher authorities. Amnesty International urges to write letters in support of Professor Yury Bandazhewski, detained

at UZ 15/1, demanding the authorities should provide him with appropriate medical care in accordance with the international standards and reminding the authorities that Amnesty International demands his immediate unconditional release.

PERSECUTION OF ORGANIZERS AND PARTICIPANTS OF MASS PROTEST ACTIONS

On 8 January in Vitsebsk a member of the UCP Fiodar Bakunow was sentenced to 10 days in jail. F. Bakunow learnt almost accidentally about the verdict passed by Judge Sviatlana Tufan. On 8 January he came to the Chyhunachny Borough Court of Vitsebsk to find out about the case initiated against him for taking part in the unauthorized picket on 30 October devoted to the Day of Commemoration of Political Repression Victims. According to the Belarusian legislation, a person charged with an administrative offence can only be punished within two months following the violation. However, after the period required by law expired on 30 January last year, Judge Sviatlana Tufan did not announce her decision, though Mr. Bakunow had attended the last hearing in court. Only late at night Fiodar Bakunow could call his family and tell he had been taken to a detention center right from the courtroom.

The 11 January picket line outside the movie-theater Peramoha, Orsha was organized by the local members of the Conservative and Christian Party of BPF. The picket's main slogan was "No election without a choice!" As it became known all of the town residents did not agree that the forthcoming elections of the Local Soviets should be ignored. But an absolute majority agreed to the other slogans: "Lukashenka is scheduled impoverishment" and "Lukashism is destroying Belarus". Throughout the five permitted hours, the pickets were under close supervision of five police officers. This was the order of Orsha Executive Committee. By the way, getting that agency to grant picketing permission is a trying ordeal. Prior to the picket, the organizers did not receive a written response to their application within the term required by law. That's why the party member Yury Konyshka had to remind the officials about the appropriate order of receiving permission. S. Dziameshka, head of the information department, told him that there were no reasons to deny permission, but V. Sidniakova, deputy head of the town executive committee, still had some doubts. As it became known the doubts were related to the town registration of the applicants, that's why the applicant Ya. Kazlova had to produce her passport as evidence of her not violating the registration regulations. As they were telling this, the protest participants noted that that they had not been surprised at the unexplainable behavior of the town authorities since they were made to pay the Arion enterprise for cleaning the territory after the picket. They argue that finding no legal reasons for prohibition the state officials are now busy inventing obstacles to prevent protests.

On the night of 16 January unidentified individuals attacked the academician and the public statesman Radzim Haretski and beat him severely. The Academician was taken with bad injuries to the neurosurgery department in the 9th clinic, Minsk. In the night he underwent an operation. The crime occurred when Radzim Haretski was coming back home after a session of the organizational committee to prepare the celebrations of the 85th anniversary of BPR, the session participants had elected him a committee member.

On 19 January the picket, timed to the visit of the President of the Russian Federation, was held at Kastrychnitskaya Square in Minsk. The picketers held posters «Hands off Belarus!», «No Unions with Russia!», and «Putin, Apologize to Belarusian People!». They also tore the Russian flag and money bills. In spite of the police presence on the Square, the picketers had no problems with the action. The week after Putin left the Belarusian capital, the authorities started to prosecute the participants of the anti-Union action, charging them with violation of the 2nd part. of Article #167 of the Code of administrative violations. On 24 January Vera Tsitsiankova received an official warning. On 27 January Viachaslaw Siwchyk was put to trial. Young Front member Siarhei Matskoyts was also summoned to court. On 29 January Centralny Borough Court of Minsk sentenced Viachaslaw Siwchyk to 10 days in jail.

On 14 February Zmitser Ivanowski, head of "Hrodna Choice" movement, was set free after 15 days in jail. He went on hunger strike immediately after the arrest. On 30 January Leninski Borough Court of Hrodna sentenced Zmitser Ivanowski to 15 days in jail. Ivanowski was found guilty of participation in a meeting of entrepreneurs, which took place on 28 January. In the morning of 14 February he was set free one hour earlier than the official end of his sentence. Zmitser Ivanowski said, he was allowed to read newspapers. However, he complained, unofficial events of city life, and events in the businessmen movement were covered only in the Birzha Informacyi weekly. Ivanowski went on hunger strike to protest against the arrest. Friends tried to talk him out of it, but he decided to stand his ground.

On 12 March in Minsk the mass protest action People's march "For Better Life!" was held. About five thousand people took part in it. About a hundred thousand businessmen didn't work on that day to express their solidarity. Moreover, this action was upheld in many European countries. It was a peaceful demonstration with social slogans, such as the demands to reduce the accommodation rent and increase the wages. In spite of this, the authorities committed a provocation. They gathered in the center of the city hundreds of policemen who were ready to take violent actions. Thanks to the efforts of the action organizers everything ended up peacefully. However, after the end of the

action three persons were detained. They were the action organizers Ludmila Hraznova, coordinator of the public initiative “Charter’97” on human rights, Andrei Sannikaw, international coordinator of “Charter’97”, former vice-Minister of Internal Affairs and Zmitser Bandarenka, coordinator of “Charter’97”. Co-head of the RPA “Private Property” Leanid Malakhaw also received a summons to Savetskaye Borough Board of Internal Affairs of Minsk for 9 a.m. on 13 March.

On 13 March Judges of Savetski Borough Court of Minsk Aksana Relava and Ruslan Kazadayew sentenced the action organizers to the highest term of imprisonment, 15 days for violation of Article #167.1 of the Code of administrative violations (violation of the order of organization and holding of the unauthorized mass procession):

1. Andrei Sannikaw (international coordinator of Charter’97)
2. Zmitser Bandarenka (coordinator of Charter’97)
3. Ludmila Hraznova (coordinator of Charter’97 on human rights)
4. Leanid Malakhaw (co-head of the Public Association “Private Property”)

After the trial they were taken to the detention center in Akrestsin Street in Minsk.

In the morning of 17 March professor Yury Khadyka, vice-head of the BPF Party was detained outside his house for participation in the social action of protest People’s March «For Better Life». On 12 March Savetski Borough Court of Minsk considered the administrative case against him by the terms of part 1 of Article #167.1 of the Code of Administrative Violations. Judge Ruslan Kazadayew asked Khadyka whether he was administratively punished during the year. Yury Khadyka said that he was punished by one of the borough courts of Hrodna for participation in the celebration of the Freedom Day on 25 March 2002. Judge announced a recess that lasted for an hour. Then he read the Ruling that sent the report about Khadyka’s violation for adjustment, as he was to have been charged with violation of part 2 of Article #167.1, repeated violation of the order for organization and of holding of an unauthorized procession. The police wanted to detain Khadyka right in the court room, but he demanded a subpoena. The policemen served a subpoena on him and forced Yury Khadyka into their car. However, his son noticed that the subpoena served on Yury Khadyka was a witness’s rather than a defendant’s after which the police had to lose hold of the professor.

On Sunday 23 March thousands of people in Minsk and other Belarusian cities took to streets with the historical national white-red-white flags in order to celebrate the 85th anniversary since the Belarusian People’s Republic was declared. Celebration of this

anniversary usually ends with mass detentions. This year was not an exception. Minsk Executive Committee allowed a gathering in Kulman Square and a procession to Banhalor Square. However, people gathered at 12 o'clock near the central post office. The police blocked the Church of St. Symon and Alena. Then a special police squad with shields and truncheons appeared. They ringed the demonstrators. Then some buses arrived, the ringed people were dragged into them. Below is printed the comment of Valantsin Stefanovich, lawyer the Human Rights Center Viasna: "I saw it myself: the police seized a man with a white-red-white umbrella, telling him to fold it. He refused, then they started to detain him, but people didn't let them, so they broke the umbrella." About 25 people were taken to Minsk Leninskaye Borough Board of Internal Affairs, about 29 – to Minsk Maskowskaye BBIA.

On 23 March in Hrodna the police detained 4 participants of the celebration: Siarhei S. Malchyk (head of Hrodna regional BPF organization), Siarhei U. Malchyk (cousin of S.S. Malchyk), Zmitser Antanovich and Mikalai Yawsey.

Siarhei Malchyk said: «About 100 people took part in the action, devoted to the 85th anniversary of Belarusian People's Republic in Hrodna. We gathered at Savetskaya Square. There were many policemen with dogs. We decided to divide into two groups and go to the building where the BPR government was situated from December 1918 to August 1919. Here we fixed a wooden memorial plaque, witnessing that the BPR government really was there. Mikola Voran made a speech, we sang the song «My Vyidzem Shchylnymi Radami» («We'll Go Out in Solid Columns») and went to the railway station to lay down flowers to the memorial plaque to Kalinowski's insurgents. The police started to detain people there.»

On 24 March in Minsk the persons, detained during the celebration of the 85th anniversary of Belarusian People's Republic were tried. Results of the trials: 11 imprisonments, 6 fines and 7 warnings. Minsk Leninski Borough Court passed the following verdicts:

Imprisonments:

1. Valantsin Baranaw – 14 days in jail
2. Dzianis Dashkevich (citizen of Homel) – 3 days of arrest
3. Yury Fabishewski – 10 days in jail
4. Zmitser Filipovich – 15 days in jail
5. Valantsin Malyshka (citizen of Baranavichy) – 5 days of arrest
6. Aleh Miadzvedzew – 10 days in jail

7. Mikola Miatselski – 3 days in jail
8. Pavel Seviarynets – 10 days in jail
9. Viachaslaw Siwchyk – 15 days in jail
10. Pavel Znavets – 10 days in jail
11. Uladzimir Yukho – 7 days in jail

Fines:

1. Leanid Dzeika – 20 minimal wages
2. Siarhei Papkow – 20 minimal wages
3. Anatol Rybkavets – 20 minimal wages

On 24 March, after application to the UN Human Rights Committee, V. Sukala, head of the Supreme Court of the Republic of Belarus, set aside the ruling of Brest Leninski Borough Court of 5 December 2003 concerning two of the detainees, M. Mikalayuk and M. Klimovich, and stopped the administrative case against them because of absence of corpus delicti. "Mikalayuk M.H. and Klimovich M.I. really were in the group of the citizens who were standing and holding portraits of the missing people, stating the fact of their disappearance. They didn't express any interests or protest, mentioned in the Law ("On assemblies, … and pickets"). That's why in this case their activities can't be qualified as picketing. So, the corpus delicti, provided by part 1 of Article #167.1 CAV, is absent. In such circumstances the judge's ruling can't be considered as legal and reasonable." It's worth mentioning that all in all 5 applications were submitted to the Human Rights Committee, 3 of them – from Belarus, almost a year ago, 2 – from the territory of Poland, six months ago. The last 2 were fruitful. It's quite interesting, however, what happened to the first three.

On 25 March about 1 000 people took part in the celebration of the Freedom Day in Minsk which started at 5.30 p.m. in Yakub Kolas Square. About 15 persons were detained and taken to Minsk Savetskaye Borough Board of Internal Affairs.

On 26 March Minsk Savetski Borough Court considered the administrative cases against the persons detained at the action of 25 March devoted to the 85th anniversary of Belarusian People's Republic Declaration. During the case considerations the police detained 5 members of the unregistered movement ZUBR for an identification procedure, and the son of Uladzimir Kishkurna, Anton Kishkurna, who came to the trial over his father.

These are the court verdicts:

1. Yawhen Afnahel – 15 days in jail

2. Zmitser Barodka – 5 days in jail
3. Uladzimir Kishkurna – 15 days in jail
4. Aleh Korban – 5 days in jail
5. Leanid Navitski – 5 days in jail
6. Vincuk Viacorka – 10 days in jail
7. Ihar Vinnikaw – 5 days in jail
8. Tatsiana Yelavaya – 5 days in jail

On 26 March Valantsin Baranaw, who was sentenced to 14 days in jail, suffered a high blood pressure attack and an ambulance took him to hospital #3. According to Baranaw, Pavel Znavets, who was kept in the same cell, was also having health problems – he had refused to eat anything. V. Baranaw also said that the imprisoned people had not been taken to the detention center immediately after the trial, guards had kept them in the so-called “ape-cage” at a police station over the night, not allowing to go to the lavatory.

On March 12, 23 and 25 mass detentions of participants of peaceful actions took place. 38 persons were judged. 24 of them were imprisoned, 6 received fines, 8 – warnings. «At present the tendency observed is that courts make no acquittals in the administrative cases and find people guilty even when the evidence proves otherwise», — points out the lawyer of the Human Rights Center Viasna Valantsin Stefanovich. On 24 March Minsk Leninski Borough Court considered the administrative cases against the persons detained on 23 March at the action devoted to the 85th anniversary of declaration of Belarusian People’s Republic. It’s worth mentioning that the police used all means to prevent representatives of public organizations and press from attending the trials. The cases were considered very formally, on the base of the standard police reports, written since 1996 – «they walked, shouted, whistled, waved arms, shouted «Long Live Belarus!» and «Shame!»

Valantsin Stefanovich, lawyer of the Human Rights Center “Viasna”:

«The case of Pavel Seviarynets, detained preventively, before the action, at the bus stop near the central post office in Minsk, is quite interesting. He was detained by persons in civil clothes who showed their documents, said they were from the special police forces and informed him that he was detained as a person, suspected of shoplifting from the nearest shop. The administrative violation report stated: «Actively participated in the picketing». At the trial the police witnesses testified that there were people standing around Seviarynets, he spoke to them and made different gestures, that’s why they concluded that he was one of the action organizers. After the detention

Pavel Seviarynets was taken to Minsk Maskowskaye BBIA and then transferred to Leninskaye BBIA. When Seviarynets asked the «witnesses» where they took him first, they answered it was Leninskaye BBIA. These weren't the people who really detained the defendant. I, being his representative, solicited for watching of video materials (the police actively filmed the action). Judge Tserashkova said that she would go to the head of the court and watch them as he had the only video tape recorder. On her return she said that the cassette submitted by the police was of a rather bad quality and she couldn't see anything there. I stated that the police failed to prove Seviarynets was guilty and asked to drop the case because of the absence of corpus delicti. However, the judge found P. Seviarynets guilty and sentenced him to 10 days in jail. When she considered other cases, the video materials appeared to be of normal quality».

Tatsiana Kavalchuk, lawyer of the Human Rights Center Viasna:

«I will dwell on the case of the student Natalia Vasilevich, detained for the alleged active participation in the action, shouting «Long Live Belarus!». The policemen who allegedly detained her were summoned to the trial. An interesting thing was revealed: one of the «witnesses» didn't detain the defendant. N. Vasilevich proved this by presenting to the court a part of the videotape made by the crew of the Russian NTV company. Here the detention is clearly seen. When the policeman was asked whether he recognized himself, he answered that it was not him. The judge ignored this fact and didn't satisfy the solicitation for the summoning of additional witnesses and the addition of the NTV tape to the case materials. This tape also showed that the detainee wasn't in the place, specified in the police report at the time mentioned there. Nevertheless, the judge warned the girl.»

Yury Chavusaw, lawyer of the Executive Bureau of the Assembly of Belarusian Democratic NGOs:

«Even the basic demands of the Civil, Procedural and Administrative Violations Codes are not executed. Nobody explained to detainees their rights, though it is the thing from which every trial must begin. The court didn't satisfy solicitations for watching of the video materials. For instance, Pavel Znavets solicited for it, the solicitation was rejected and he was sentenced to 10 days of imprisonment, though he was detained preventively, before the beginning of the action. Judge Zhdanok refused to listen to the witnesses who stood at the entrance of the court room. I was P. Znavets's representative and asked the police witness: «Why did you detain this man?». The judge dismissed the question as having no relation to the case. The police reports were standard and had mistakes. For instance, according to the report at 12.57 one policeman managed to

detain 5 persons and made reports about it, though it is impossible physically. If somebody solicited for an advocate, the judge threatened: «We'll take you to the detention center for three days. Think whether you need an advocate!» Such a good way for a judge to act! Then they of course, provided advocates, but the judgments against those people were more severe. The solicitations weren't satisfied, the judge said: «You only want to protract the case consideration with your solicitations». The judges evidently received the order to consider all cases in one day.

On 16 April Minsk City Court presided by Judge Ardziaka cancelled the ruling of Leninski Borough Court, which had sentenced Valantsin Baranaw to 14 days in jail for participation in the action of 23 March. Leninski Borough Court of Minsk found Valantsin Baranaw guilty of participation in the unauthorized action on 23 March and sentenced him to 14 days in jail. Minsk City Court reversed the ruling and sent the case back to the lower court. During the hearing in Minsk City Court it was proved that the policemen, who testified against Baranaw during the first hearing, were not the same people with those who had actually arrested Baranaw. The "witnesses" stated they wore police uniform when arresting Baranaw. Valantsin Baranaw presented a photo, which shows absolutely different people in civil clothes, detaining him. Valantsin Stefanovich, lawyer of the Human Rights Center Viasna represented Valantsin Baranaw in court. He explains: "Mr. Baranaw brought some high-quality photos, which clearly show 2 people in civil clothes seizing him. During the hearing in Leninski Borough Court absolutely other people stated it was them who had arrested him. Besides that, the picture shows the "witnesses" standing in the cordon. That means, the witnesses gave false testimony. Minsk City Court reversed the ruling of Leninski Borough Court".

On 24 April Vitsebsk Chyhunachny Borough Court pronounced verdicts in the administrative cases against participants of the picket, devoted to the 85th anniversary of Belarusian People's Republic, that was held on Pryvakzalnaya Square on 25 March. Judge Sviatlana Tufan inflicted the following sentences to the tried activists of United Civil Party:

1. Siarhei Fakhrutdzinaw – warning;
2. Alaksei Nikanoraw – fined 266 000 Belarusian rubles;
3. Ina Siatkowskaya – warning.

On 25 April the administrative case against Valantsin Baranaw was considered for the second time. The first verdict of this court (made by Judge Shylko on 24 March) was set aside by Minsk City Court due to the fact that the policemen who participated in the trial as witnesses, Suyko and Ziamtsow, didn't really detain the defendant, though they

said they detained him and were in the uniform at that time. On 25 April the case was considered by Judge Tserashkova, who passed the same verdict. Here's the comment of Viasna lawyer Valantsin Stefanovich: «The new consideration was conducted with violations. My opinion is that Judge by no means could base her decision on the testimonies of these policemen, as she did, due to the fact that Minsk City Court doubted these testimonies».

On 26 April, the 17th anniversary of Chernobyl tragedy, the traditional «Chernobyl Way» action took place in Minsk. This time it had been prepared by the coalition committee that consisted of members of the BPF Party, United Civil Party, Belarusian Social Democratic Party «Narodnaya Hramada», United Social Democratic Party, the organizational committee of «Charter'97» and other bodies. The associate of Belarusian Academy of Sciences Ivan Nikitchanka was elected the committee head. The application for the official permission was filed by private individuals: Uladzimir Labkovich (the BPF Party), Mikhail Hancharyk (BSDP), Zmitser Marchuk (USDP), and Siarhei Alfer (UCP). The authorities didn't permit the planned route from Yakub Kolas Square to the Opera Theater and proposed the route from the Academy of Sciences to Druzhby Narodaw Park instead. As a result of complex negotiations the city police stated it wouldn't hinder the demonstrators who would gather in Yakub Kolas Square and go to the Academy of Sciences, if they went there in groups of 50, without flags and streamers. However, on 26 April the police broke the agreement, interfered with the demonstration movement to the Academy of Sciences and even detained two young UCP activists with flags. Those who broke through, formed a column, about 1 000 people in number. Among them were the catastrophe aftermath eliminators and about 150 participants of the yearly Chernobyl conference, organized by «For Children of Cher¬nobyl» Foundation with H. Hrushavy at the head, including young people from radiation polluted territory. The artist Alaksei Marachkin with his wife was carrying the icon of «Our Lady of Chernobyl». They were followed by people with the Chernobyl bell. Holding white-red-white and party flags with mourning black strips, the column went to the Academy of Sciences. Near the Academy a meeting took place. The BPF Party leader Vincuk Viacorka, the leader of Belarusian Social Democratic Party «Narodnaya Hramada» Mikola Statkevich, Professor Nikitchanka and other people spoke there. After the meeting about 3 000 people went along Frantsysk Skaryna Avenue and Surhanaw Street, where, near the «Riga» shop they observed a commemorative minute of silence, accompanied by the Chernobyl bell. Similar actions took place in Homel, Vitsebsk, Brest, Orhsa, Pinsk and other towns of Belarus.

On 12 May Yury Khadyka was sentenced to 15 days in jail upon the 2nd part of Article #167.1 of the Code of Administrative Violations. Yury Khadyka was tried in absentia. In the verdict it was noted: "Didn't come to the trial on summons dated 15 April 2003, 24 April 2003, 30 April 2003 and 8 May 2003. Judge's rulings to forcibly take Yu. Khadyka to the court dated 30 April 2003, 8 May 2003 and 12 May 2003 weren't executed by Savetskaye BBIA of Minsk." This was the formal reason why Yu. Khadyka was judged in his absence (the term when he could be administratively punished was almost over: the action took place on 12 March and the term when a participant can be punished is 2 months). This verdict of Judge R. Kazadayew contradicts to Ruling of the Plenum of the Supreme Court of the Republic of Belarus #1 of 25 March, Article #62 of the Constitution of the Republic of Belarus that guarantees the right to defense to every citizen.

On 21 May Yury Khadyka sent a complaint to the head of Minsk City Court against the verdict. In his complaint he stated: "On 12 May 2003 I, Khadyka Yu.V., was found guilty of violation of the 2nd part of Article #167.1 of the Code of Administrative Violations of the Republic of Belarus and punished with 15 days in jail. (…) I disagree with the issued verdict and consider it as violation of my rights. So, according to the 2nd part of Article #247 of the CAV, during consideration of cases about administrative responsibility the presence of the person tried is obligatory. According to paragraph 7 of Ruling of the Plenum of the Supreme Court of the Republic of Belarus #1 of 25 March 1999 judges are to take into consideration that the consideration of cases about administrative violation in presence of the person, drawn to administrative responsibility, provides more guarantees of objective decision. Cases can be considered in absence of the tried persons only in the cases, described in the 1st part of Article #247 of the CAV. During consideration of the cases, specified in the 2nd part of Article #247 of the CAV, during consideration of the cases about the administrative violations, provided by Article #167.1 of the CAV, the presence of the person to be drawn to administrative responsibility is obligatory. Non-execution of these demands is a reason to set the ruling aside. Besides, by the ruling, issued in my absence, the court deprived me of the right to defense, the possibility to present to court my evidence, solicit for interrogation of witnesses, the possibility to give explanations and the possibility to use other personal rights, provided by Article #247 of the Republic of Belarus. According to paragraph 4 of Ruling of the Plenum of the Supreme Court of the Republic of Belarus #1 of 25 March 1999, during the case consideration Judge is to take the appropriate measures to protect the rights of the person drawn to administrative responsibility (Article #247 of the CAV).

According to paragraph 5 of the Ruling violation of the right of the tried person to defense can serve as a reason to set the verdict aside.

In connection with the above mentioned, being guided by Articles #266 and 274 of the CAV of the Republic of Belarus, I ask:

to demand from Minsk Savetski Borough Court the materials of my administrative case and check them up;

to set aside the ruling of Minsk Savetski Borough Court about administrative violation of 12 May 2003 and send it for reconsideration.

On 23 June Judge Vartynskaya of Vitsebsk Chyhunachny Borough Court inflicted on the members of Vitsebsk branch of Christian Democratic Party BPF Uladzimir Pleshchanka and Alexander Salawyan a fine worth 150 basic units (about 2 million rubles or $1 000) for gathering signatures in support of their party comrade Siarhei Papkow who applied to court concerning the illegality of the treaty about establishment of the Union State, signed on 8 December 1999 by Alexander Lukashenka and Boris Yeltsin.

At 20.30 p.m. on 22 June the heart of the world-known writer, pride of the Belarusian nation, Vasil Bykaw stopped. He spent his last years in emigration, Finland, Germany and Czech Republic, but after an attack of cancer he came to Belarus, in order to remain here forever… The farewell was held in Minsk Writers' House. In the morning people with flowers and white-red-white flags with black stripes started gathering around the building. The farewell lasted till four o'clock. More than 20 000 people came to the coffin, not all of those who wished to do it managed to: it was impossible for everyone to come in for such a short time. When the mournful meeting started, the people gathered near the Writers' House. According to different calculations, some 30-50 000 people from different parts of Belarus took part in this silent procession."

On 1 July, after 15 days of arrest, to which he was sentenced for participation in the march "For Better Life!", vice-head of the BPF Party Yury Khadyka was released. About 20 people gathered near the detention center to meet him. As early as 2 July Yury Khadyka was be judged again at Minsk Savetski Borough Court, this time for insult of the court. The accusation was grounded on the fact that the professor hasn't come to the court for two months, ignoring the summonses posted to him. Yury Khadyka explained hat he lived at his sister's and for this reasons didn't receive any summons. As a result he was fined 1 basic unit (14 000 rubles) for "disrespect for court".

On 18, 21 and 24 July the court sittings on administrative cases of the participants of the unauthorized picket of 16 July "Chain of Concerned People" took place. The aim of

the picket was to draw public attention to the problem of disappearance of public activists and a journalist. The picket was held near Vitsebsk Art Museum. The picket participants held portraits of the people who disappeared – Yury Zakharanka, Viktar Hanchar, Anatol Krasowski and Zmitser Zavadski and also handed out fly-sheets to passers-by. During the picket 6 members of the United Civil Party were detained – Fiodar Bakunow, Ruslan Holubew, Uladzimir Semianchukow, Tatsiana Zaikova, Yury Zaikow and Eanita Zhawniarovich. On 17 July the court consideration of the case of Ruslan Holubew was held. He was sentenced to 3 days in jail. On 21 July Judge Maryna Marozava of Vitsebsk Kastrychnitski Borough Court issued warnings to the 73-year-old Eanita Zhawniarovich and Fiodar Bakunow. On 24 July the administrative case against Uladzimir Semianchukow was stopped. The result of this trial was a surprise for Uladzimir Semianchukow: Judge Tatsiana Zhurawkova gave only court admonition.

On 31 July Minsk Maskowski Borough Court tried the activist of the unregistered youth movement “Zubr” Mikhail Volchak, participant of the unauthorized action, devoted to the Independence Day. M. Volchak was accused of having violated the 1st part of Article #167.1 of the CAV. M. Volchak didn’t plead guilty. In this case Judge Nadzeya Rewtskaya was to have interrogated the policemen, who had detained the defendant, but she didn’t. She only watched the video materials and fined M. Volchak 30 minimal wages. The lawyer of the PA HRC Viasna Uladzimir Labkovich legally represented the defendant in court. Judge considered the question of his admission for a very long time and finally agreed to admit him, limiting his right only to characterize the defendant in his speech, by which she grossly violated Ruling #1 of the Plenum of the Supreme Court, adopted on 25 March 1999. This ruling guarantees to everyone the right to be represented in the court proceedings by a defending attorney.

On 2 September Aksana Novikava was tried at Minsk Leninski Borough Court. Judge A. Shylko fined her 2 800 000 rubles for the alleged violation. At the trial A. Novikava pleaded not guilty and stated she hadn’t done anything illegal. The court rejected this argument and considered her actions as violation of the above article. The court ruled to fine the defendant 200 minimal wages (2 800 000) rubles for violation of part 2 of the Article #167.1 of the Code of Administrative Violations.

On 8 September Aksana Novikava was detained near Minsk City Court before the beginning of the trial on liquidation of the public association “Legal Assistance to Population”. She was holding the poster “We Demand Independent Trial”. Policemen from Frunzenskaye Borough Board of Internal Affairs told her to fold up the poster. Aksana Novikava refused to do that, so was detained and taken to Frunzenskaye BBIA. At

3.30 on 8 September the trial over her started at Minsk Frunzenski Borough Court. During the trial there appeared some contradictions: the detention report said that A. Novikava was detained for participation in the meeting, though there were no traits of such participation in her actions. That's why the trial was postponed to 15 September.

On 16 September the "Chain of Concerned People" devoted to the fourth anniversary of the disappearance of Viktar Hanchar (who at the time of his kidnap was the acting head of the Supreme Soviet of the 13th Convocation) and his friend, businessman Anatol Krasowski took place in Kastrychnitskaya Square in Minsk. Andrei Kozel and Andrei Abalevich who handed out fly-sheets during the action were detained and taken to Minsk Leninskaye Borough Board of Internal Affairs, though the "violation" was made on the territory of the Centralny borough. The policemen drew up reports about the alleged "violation" and confiscated the fly-sheets. The witnesses of the police, present during the confiscation, were drunk, which the detainees added to the police report. Andrei Kozel and Andrei Abalevich received summonses to appear in court.

On 18 September Alena Tserashkova, Judge of Minsk Leninski Borough Court, fined resident Aksana Novikava 2 100 000 rubles (more than $1000) for violation of the order of picketing (part 2 of Article #167.1 of the Code of Administrative Violations). In the morning on 18 September Aksana Novikava was detained with the poster "Why Have You Given 360 Million Dollars to "Gazprom"?" near the Presidential residence and taken first to a police station and then to court. A. Novikava pointed out that "at the press conference on 16 September A. Lukashenka admitted giving benefits to the Russian enterprise "Gazprom", the general sum of which is 360 million dollars. Taking into account that for transit of the Russian gas through its territory Belarus will receive only 120 million dollars, one can question whether our country has a wise economy."

On 6 October Uladzimir Kornaw, Judge of Minsk Frunzenski Borough Court, familiarized himself with the administrative case materials and stopped the case against Aksana Novikava because of absence of corpus delicti in her actions. On 8 September A. Novikava was detained by the police near the building of Minsk Frunzenski Borough Court where on that day the liquidation case of the human rights organization "Legal Assistance to Population" was considered. She held the poster "We Demand Independent Trial". According to the police report, A. Novikava was charged with violation of part 2 of Article #167 of the Code of Administrative Violations.

On 7 November members of democratic parties held an improvised mini-referendum concerning the prolongation of the presidential term for Alexander Lukashenka. The action was authorized, but the authorities defined a place far from the

center of the city. So, the organizers took ballot boxes and went to the central market. The referendum lasted for an hour and a half. Then the police proposed the organizers, the UCP members Ales Karniyenka and Vasil Palakow come to a police station and said that the market was mined, so both vendors and consumers had to leave it. The results of the referendum wouldn't have made Lukashenka glad: 89,5% of the Homel citizens who have taken part in the referendum voted against giving Lukashenka the possibility to run for the third Presidential term. Karniyenka and Palakow were charged with violation of the order of mass actions.

On 12 November Judge of Homel Chyhunachny Borough Court Hanna Novik considered the administrative cases against the UCP members Ales Karniyenka and Vasil Palakow, organizers of a public voting. Judge found both defendants guilty and fined them 1 650 000 rubles each. It's worth mentioning that some time ago Judge Novik decided for confiscation of the computer equipment that belonged to the public association "Public Initiatives" and the youth center "Hart".

On 29 November the members of the initiative group "Our Alternative" Ludmila Hraznova, Andrei Kozel, Aleh Tarasevich, Ihar Arlow, Palina Hulidava, Mikalai Tsimashenka, Ivan Charatun and Alaksei Nishchyk were detained for participation in the action "Public Voting "Third Term». "Our Alternative" planned to hold the public voting at several large markets of Minsk. The gathering of the action participants was appointed at 11 a.m. at Minsk railway station. The group intended to go to "Zhdanovichy" market first. Andrei Kozel said to "Belaruskiya Naviny" that the group had to change its plan and transfer the action to Kamarowski market, because "at the railway station the group attracted attention of policemen, all of whom were dressed in plain clothes". The action at Kamarowski market lasted for 10 minutes only. This time was enough to scatter fly-sheets with the urge "not to participate in the referendum about continuation of Presidential powers, planned by the authorities". Then the police started the detentions. The detainees were taken to Minsk Savetskaye Borough Board of Internal Affairs. Soon Palina Hulidava, Mikalai Tsimashenka, Ivan Charatun and Alaksei Nishchyk were set free. The reports on violation of Article #172 (distribution of printed production, issued with violation of the established order and containing no issue data) were composed on Ludmila Hraznova, Andrei Kozel, Aleh Tarasevich and Ihar Arlow.

On 7 December the businessman Viktar Novikaw was detained by guards of the "Dinamo" stadium while handing out fly-sheets with the invitation to participate in the action, devoted to the international human rights day on 10 December. He was taken to Minsk City Police department #1. The police drew up a report for violation of the 2nd

part of Article #167.1 of the Code of Administrative Violations. The businessman had to spend the night in the detention center. Viktar Novikaw was accused of violation of Article #8 of the Law of the Republic of Belarus “On mass events”, according to which the organizer has no right to inform the public about the date and the place of the action before its authorization and distribute fly-sheets, posters and other materials with this aim. Punishment of the persons who distribute fly-sheets with invitations to mass actions upon the 2nd part of Article #167.1 of the Code of Administrative Violations has already become a tendency. In such case distributors of fly-sheets are punished as the persons who violate the order of organization of mass measures which is a lawless practice in “Viasna’s” opinion.

On 8 December the administrative case was considered at Minsk Leninski Borough Court. Judge Zhdanok decided to fine Viktar Novikaw 20 minimal wages (about $156).

On 10 December Nina Davydowskaya was detained at the check-up of the «Tsvetatron» factory in Brest for distribution congratulation fly-sheets, devoted to the International Day of Human Rights. The police took her to Brest Maskowskaye Borough Board of Internal Affairs.

On 11 December the police detained Aksana Novikava outside Minsk City Court for holding the poster “Belarus needs jury”. Workers of Minsk Frunzenskaye Borough Board of Internal Affairs drew up a report on Article #167 of the Code of Administrative Violations (unauthorized picketing). This detention can have serious consequences for Aksana Novikava: the policeman Ruslan Bahnat warned her that in the case if she was detained again she could be imprisoned for a year, as her term of conditional imprisonment to which she was sentenced for insult of President Lukashenka.

December 22 Vitsebsk police detained Uladzimer Pleshchanka and Alexander Salawyan, activists of Christian Conservative party. They were detained while collecting signatures under an appeal demanding the annulment of Russian and Belarus Union Treaty. The detained were taken to the police station and kept there for 3 hours. After that the police officers took them to Chyhunachny borough court of Vitsebsk. Pleshchanka and Salawyan were charged with unauthorized picketing, though the detained claimed they had just collected signatures, and no picket had been held. The judge ruled to fine Pleshchanka 2,475,000 rubles (~1150 USD), and Salawyan – 2,640,000 rubles (~1230 USD).

December 23 Orsha member of Christian Conservative Party was fined for a picket of 1 year ago. The trial over Yuras Konyshka lasted for the whole year. Yuras Konyshka was one of the organizers of the picket, which took place in Orsha on January 11, 2003.

The police officers claim, the posters used in the picket insulted honor and dignity of Alexander Lukashenka. The court fined Yuras Konyshka 20 basic values, which makes 330,000 rubles (about 150 USD). Two other organizers of the picket were tried 6 months ago. Yawhenia Kazlova and Uladzimer Karabanaw received fines of the same amount. The authorities could not charge Mr. Konyshka earlier. He was judge's assistant and was not subject to administrative charges without a proper sanction of the Regional Council. On September 5 the regional Council voted to deprive Mr. Konyshka of his immunity status, enabling the court to continue the trial. Today Orsha city court Judge Ihar Kalesnik brought the trial to a conclusion.

On December 24 Maskowski borough administrative commission of Brest made a decision on the case of Nina Davydowskaya. Nina was detained on December 10, 2003 for spreading leaflets near the entry to Tsvetatron plant. Now she has to pay 49,000 rubles (about 25 USD) for spreading leaflets on the Human Rights Day. Nina Davydowskaya plans to appeal to court against the decision of the commission.

VIOLATION OF THE CIVIL RIGHT TO FREEDOM OF CONSCIENCE

On 23 January the case against the Presbyter of Baptist church Alexander Mikhalenkaw was considered at Minsk Zavadski Borough Court. On December 12 2002 a police inspector drew up a report of administrative violation by the Presbyter of Baptist church Alexander Mikhalenkaw. The police report contained the following corpus delicti: “Violation of the established order of organization or holding of religious assemblies. He serves liturgies from 10 to 12 a.m. on Sundays in house #8 in Hartny Street, which is inappropriate for this (there’s no sanitation unit and emergency exit).” This report was submitted to Minsk Zavadski Borough Court to initiate an administrative case for punishment of Article #167.1 of the Code of Administrative Violations. On 23 December the case was considered, Judge Mikalai Balawniow decided to drop the case because of absence of corpus delicti. We should remind that some officials think that in accordance with the new law of the Republic of Belarus “On freedom of conscience and religious organizations” believers will have to ask for permission of local executive body to gather in private houses for joint prayers and Biblical studies. Such explanation and usage of the new law can lead to limitation of church activity and violations of religious rights.

On 29 January the leaders of the Union of Evangelical Baptist Christians and Union of Full Evangelical Denominations presented an open statement related to the upcoming agreement between the State and the Orthodox Church. This statement expressed their dismay with the fact and the proposal to make analogous agreements with other traditional denominations of Belarus. “Even at present we are often not allowed to provide spiritual assistance to the people in custody, soldiers of military units, rest homes and other institutions…” – wrote the believers.

On 30 March Minsk House of Press hosted a round table discussion to debate over the new agreement between the church and the state. However, the representatives of the Orthodox Church did not show up at the meeting. The participants heard the speeches of Alexander Kalinaw, head of Committee on Ethnic and Religious Affairs, and Leanid Zemlakow, member of Parliament Commission on Human Rights. They provided the data of general statistics of the religious situation in the country and gave some forecasts. For instance, Mr. Kalinaw pointed out that only 4 presently registered groups which appeared in the beginning of the nineties would not be able to undergo re-registration and meet the new standards required by the new law on religions. These four are New Apostolic Church, religious association of Full Evangelical communities, association of Progressive Judaism Communities, and Bahai religious community. They

might be denied registration on the ground that they had been registered in Belarus for less than 20 years. Religious groups are to undergo re-registration within 2 years. According to Mr. Kalinaw, other religious groups will encounter no problems with their status. However, there are still no by-laws and other documents to regulate the re-registration procedure. Mr. Kalinaw also provided the data of the present religious situation in the country. At present 26 denominations are registered in Belarus. Protestants, Evangelical Faith Christians, in particular, are the most dynamic. On 1 January 2000 they had 247 congregations, in 2001 – 285, in 2002 – 332. For comparison, during the same period the number of Orthodox parishes increased by 68 (from 935 to 1003). However, the round table participants did not pass on to the main topic of the discussion. Referring to the fact that none of the authors of the agreement and Orthodox church representatives showed up for the discussion, the participants successfully avoided all thorny questions. It was only mentioned that the agreement had been worked out in conference with the central governing bodies and mostly deals with the Church social service. The issue if the state is going to conclude similar agreements with other churches and denominations remains open. In particular, some Evangelical churches declared they would consider the issue of preparing similar agreements with the state. Otherwise, it will be upon concrete local officials to decide if a church is “right” or “wrong”…

In January Stolin District Deputy Soviet received an appeal of Stolin and its district citizens. The authors of this document demand to hold an assembly of electors in order to recall Ivan Pashkevich from the Chamber of Representatives of the National Assembly, stating that the majority of Pashkevich’s electors are Orthodox and his attitude to the Orthodox church was the decisive factor for his victory during the election as a result of which he became a deputy. Ivan Pashkevich’s public position concerning the laws «On Education», «On Freedom of Conscience and Religious Organizations», articles in mass media «against the Orthodox Church, in support of neo-cults and sects» are considered as evidence. Ivan Pashkevich explained that an investigation into this matter has been already carried out. It was found out that an Orthodox priest from Stolin church and another one from Davyd-Haradok were collecting signatures under the appeal near the churches. The question of revocation wasn’t closed. The priests intend to collect signatures again and lead the appropriate propaganda right in the church. Ivan Pashkevich said they violated the present legislation. So, the new law “On freedom of conscience and religious organizations” resulted in the conflict never heard of before: priests of one denomination try to impose their will to all others with employment of the

political field. Earlier the only right ideology was Communism, now it appears to be Orthodox Christianity.

On 5 February the representatives of Krishna Consciousness commu¬nities Siarhei Malakhowski, Alexander Karzow and Andrei Zubko spoke about that in their appeal. They addressed Lukashenka's office, the government, the Chamber of Representatives of the National Assembly, as well as human rights organizations, and diplomatic missions, accredited in Belarus. When the Law "On the Freedom of Conscience and Religious Organizations" was adopted, all Krishna communities started to face problems in implementing their main activities: spreading religious literature, praising the names of God, and distributing free vegetarian food. Believers do these activities outdoors, and get detained for that. There are "insurmountable obstacles" in registration of new communities, believers are "threatened to be kicked out of jobs and sent to mental hospitals". In conjunction with the impossibility to register an association there is a problem with inviting spiritual teachers to Belarus, who are citizens of other countries. As the result "the communities face suspension of their activities and the perspective of closure". In their address the representatives of Krishna communities express hope for "help of all sensible and just people, defense from human rights organizations of different countries".

On 7 May the Union of Evangelical Faith Christians received the answer to their appeal concerning some postulates of the handbook "Man in the World of Culture" for pupils of the last grade of secondary schools, issued in 2002. The editor was Yu. Kharyn. The author of the chapter "Non-traditional religious associations and sects" T.M. Alpeyeva compared there Evangelical Faith Christians and Pentecostals with such notorious destructive sects as "AUM Shinriko", "Great White Brotherhood", etc. In the appeal of the Union of EFC of 8 April 2003 it was said that such postulates in the book with the circulation of 147 200 copies led to creation of extremely negative image of Evangelical Faith Christians in society, which, together with the "smear campaign in certain state-owned mass media" resulted in "desecration of temples, threats of massacre towards priests and their families, insults to the children of believers in schools". Therefore the union demanded to exclude the book from the curriculum of general secondary schools. In the answer of the Main Board of Common Secondary education of the Ministry of Education of 7 May, signed by the head of the board Shcherba it was said that the author of the materials used the term "sect" as "scientifically-theoretical" and that it "doesn't contain any evaluation characteristics" and "doesn't point at anti-social direction". Then the EFC was informed that the board agreed with the fact that the term "sect" was treated ambiguously in the society. That's why on

8 May the "Nastawnitskaya Hazeta" ("Teachers' Newspaper") printed the appropriate methodical recommendations to teachers who were also informed there that in the new edition of the handbook there would be introduced certain changes in the content of the topic about the spiritual potential of religion. We should remind that the article "Sects" of the academic edition of the "Encyclopaedia of History of Belarus", v.6, pt.1, issued the year before the handbook contains the following passage: "In the everyday life and even in the literature the term "sect" is often used towards protestant denominations of different directions without enough grounding for it, which doesn't correspond to the contemporary state of these religious organizations".

On 27 May the commission for administrative offences of Maladechna Executive Committee fined Pastor Mikhail Balyk. He was adjudged guilty under Art. 193 of the Code of Administrative Violations (violation of the legislation in the field of freedom of consciousness). The Evangelical pastor Mikhail Balyk was fined for "organizing and carrying out evangelical services in Savetskaya Street 4 in the settlement of Zhaludok on Sundays from 2 p.m. to 3 p.m., and other cult ceremonies, violating the rules, established by the law." This was the accusation on which Mikhail Balyk had to pay 26 600 rubles fine. According to Mikhail Balyk, in the beginning of May, at 1 a.m. the house, rented by the church of EFC, was visited by two policemen and a repre¬sentative of the executive committee on religious cases. At that time in the house there was a verger of Hrodna denomination of the EFC Union. The police drew a report for illegal liturgy, though the verger was there alone. In about a week, when Mikhail came to Zhaludok to visit some believers, the local police inspector came to them and asked Mikhail to show his documents. Having seen that Mikhail was "empowered to hold evangelic services" and that his position was "evangelist" the police inspector said that he had to draw up the report of illegal liturgy, though no liturgy was hold, which Mikhail put in the report when signing it. On 20 May Mikhail Balyk was invited to the administrative commission in the place of his habitation in connection with the report, but at that time the sitting the administrative commission didn't take place. It was postponed to 27 May. On 27 May he was given the ruling, dated 20 May, without any explanations.

On 27 August the authorities of the town of Rechytsa prohibited to the protestant denomination of Jehovah's Witnesses to expand the private house they bought by building a lecture hall. When the carcass and the roof were ready, Rechytsa District Executive Committee suddenly demanded to stop the building. The local prosecutor Viktar Budkow unexpectedly upheld this demand. After the beginning of the building process he issued a protest against the permission of the district executive committee. The formal reason was that the denomination didn't change the status of the private

dwelling-house to untenantable. For this it was necessary to apply to the regional executive committee as the district authorities, according to the present legislation, wasn't empowered to give such permissions. However, according to Lukashenka's decree, the denomination is to receive agreement for a cult building not only there, but also at the Committee on Ethnic and Religious Affairs at the Soviet of Ministers. So, the life of denominations seems to be purposefully complicated with bureaucratic procedures. By the way, this is one of the reasons why all 7 denominations of Jehovah's witnesses existing in the region have no cult buildings. The majority of other protestant denominations are in the same situation. They have to rent apartments or secretly gather at private houses of fellow believers, whereas different protestant denominations constitute almost 40% of all religious curacies registered in the region.

On 11 December the administrative commission of Kobryn District Executive Committee fined the pastor of the Evangelical Church Mikalai Radkevich for unauthorized liturgy. The ruling of the administrative commission read that Mikalai Radkevich "held assemblies without the authorization of the district executive committee. The fact was registered on 23 November 2003". As a result, the commission fined Mikalai Radkevich 50 000 rubles (about $25) for violation of Article #193 of the Code of Administrative Violations. According to Mikalai Radkevich, the church is not registered, although it was founded in 1952 and has about 300 believers. The pastor is sure that the Constitution doesn't oblige believers to register for saying services and thinks that this pressurization is a result of the new Law "On freedom of conscience and religious organizations".

NATIONAL AND LINGUISTIC DISCRIMINATION OF CITIZENS

On 12 February the secretary of Homel election commission Yulia Dzenisenka categorically refused to publish candidates' CVs in the Belarusian language. Candidates to Homel City Soviet Ivan Yatskow and Andrei Baranaw wanted their information in Belarusian on the general poster of all candidates published by the election commission. According to Homel Viasna head Anatol Paplawny, commission secretary Yulia Dzenisenka (head of personnel department of Homel city administration) grounded her refusal on the fact that all other candidates had their texts for the poster in Russian, and the commission is not going to make an exception for 2 people: there were no resources for that. Valantsin Stefanovich, lawyer of the Human Rights Center Viasna, says: "This is called language discrimination, i.e. ungrounded limitation in using the language. According to the Constitution of the Republic of Belarus, and the Law "On Languages", there are two state languages in Belarus: Belarusian and Russian. Belarusian citizens are guaranteed the right to address the state bodies both in Belarusian or Russian. Article 12 of the Electoral Code says, that all election materials should be published in Belarusian and Russian language. The Law "On Languages" also obliges all officials to have the knowledge of both languages to an extent necessary to handle people's appeals. The situation in Homel is a disgraceful fact of discrimination. Meanwhile, the Code of Administrative Violations has Art. 172/2, which provides for the responsibility of officials for breaking the legislation on languages (ungrounded limitation in using the language): a fine from 5 to 10 units".

In April Leanid Levin, President of the Union of Jewish Public Associations and Communities, Eduard Paryzh, President of the Association of Jewish Communities in the Republic of Belarus, Yury Dorn, head of Jewish Religious Association in the Republic of Belarus and Yakaw Basin, President of the Religious Association of Progressive Judaism in the Republic of Belarus, have recently submitted an open letter to Viktar Sheyman, Prosecutor General of the Republic of Belarus, and S. Buko, head of the Committee on Ethnic and Religious Affairs. The reason for their application was that the newspaper «Russkiy Vestnik» («Russian Courier») that, according to the monitoring of the letter authors, «openly promotes Anti-Semitism», again appeared in the state press distribution network «Belsayuzdruk». One of the examples they draw is #5 of the newspaper, issued in March 2003, the article «Iraq and Temple of Solomon», by Ivan from Kyiv, where the author expands on the alleged Jewish tradition to use sacrificial blood in their rituals. «Workers of the retail trade network «almost unanimously state that they don't book such a newspaper for sell…», but «receive it, as they say, on the order of «Sayuzdruk»

authorities», — is said in the letter. «These facts convince us that among «Sayuzdruk» authorities there are really some workers interested in distribution of such production in the territory of Belarus.» Leaders of Jewish associations demand to stop distribution of the newspaper «Russkiy Vestnik» through Belarusian state retail trade. They remind that purposeful fomenting of national and religious enmity are punished in conformity with Article #130 of the Criminal Code of the Republic of Belarus and usage of mass media with this aim is prohibited by Article #5 of the existing Law on press and other mass media. The authors of the letter will expect a reply for a month, stating their intention to apply to the Soviet of Ministers and the Presidential administration in case there's no appropriate reaction. However, in his interview to the press-service of Belarusian Association of Journalists head of Jewish religious association in the Republic of Belarus Yury Dorn stated that he was almost sure of reaction, as the signatories to the letter represent almost all Jewish population of Belarus. «Such a situation requires the authorities try to do everything possible to improve it. All the more so that the story with «Russkiy Vestnik» started long ago», he said. In the autumn of the last year Mr. Dorn sent several articles of this newspaper to the Committee on Ethnic and Religious Affairs of the Republic of Belarus. The Committee admitted that the mentioned articles really fomented national and religious enmity and sent its summary to the Ministry of Information, which, in its turn, officially ordered the republican association «Belposhta» to stop selling this edition. For some time this order was executed, but at the end of February «Russkiy Vestnik» made a comeback.

On 27 May in Minsk unidentified vandals desecrated Jewish "Yama" memorial by spray-painting Nazi swastika there. During the Second World War the place served as a Jewish ghetto, where fascists killed over 100 thousand civilians. Vice-President of the Union of Belarusian Jewish public associations and communities Yakaw Basin says this was the second case of vandalism at the "Yama" memorial site. The first one occurred in 1992, when someone spilled white paint over the dark marble plate there. The site was left stained for quite a while. Finally, it was cleaned when the Belarusian-born Foreign Minister of Israel came to Minsk on a visit. According to Basin, this time the act was perpetrated by neo-fascists, who, by doing so, voiced a political statement, depicting fascist swastika with white paint on the memorial. At the same time, Basin sees threat in the activities of the fascists, who also wrote "Holocaust 2003" in the lower part of the memorial, putting an inscription in its upper corner– "Beat up the Jews!". Yakaw Basin says they are preparing to address prosecutors' office on behalf of all Jewish communities and religious associations of the country to request an investigation and institution of a criminal case. According to Basin, "in spite of all appeals of the community, nobody has ever been convicted of anti-Semitic activities". According to the

lawyer of Arthur Liwshyts the Union of Committees in Support of ex-USSR Jews, recently unidentified vandals have desecrated a Jewish cemetery in Babruysk (Mahiliow region), and the monument to Holocaust victims in Tsimkavichy (Kobryn district of Brest region).

In August information was distributed that in Hrodna a new stadium was being built in the place of the former graveyard. Yury Dorn, head of Jewish Association, said that the cemetery was the burial place for about 14,000 people. According to Dorn, such disrespect for religious and historical sanctities forced a number of Jewish organizations to address International and European Football Federations with a call to boycott Belarusian football teams. According to Yury Dorn, some US Congressmen decided to call on the Olympic committee to boycott Belarus in the next Olympic Games, if the authorities do not stop building a football field on the cemetery. It seems such international pressure had its effect, forcing Hrodna authorities to start negotiations with Jewish organizations, Yury Dorn told RFE/RL, Uladzimir Sawchanka, head of Hrodna Regional Executive Committee agreed to come to Minsk office of the Association on 18 August and start negotiations. This was the result of the negotiations between the Belarusian Embassy to Israel and Chief Rabbi for Belarus Sender Urytski. Foreign Jewish organizations planned to picket the Belarusian Embassy in the United States and the Belarusian Embassy in Israel that week. Mr. Urytski said: "We are talking about religious circles in Europe, Israel, and America, which are indignant about the situation in Hrodna. It is not a tendentious attitude to Belarus. The cemetery is dishallowed. This led to manifestations. This is a cemetery, and the plans of the authorities show their real attitude to the Jewish religion and history. This is a post-Soviet throw-back, hard to get rid of. It turns out the local officials have no idea what the situation means from the viewpoint of the legislation on religion, as well as the international response it can get." Sender Urytski, chief Rabbi for Belarus, said that they had found common language with the authorities. He hoped they would be able to reach a compromise on the issue of the Jewish cemetery in Hrodna.

On 1 September a correspondent of Hrodna News found out that Hrodna hasn't had any completely Belarusian-language schools for several years already. Before that, schools #5, 26 and 32 were completely Belarusian-language, but after the referendum of 1995, when the Russian language received the Status of the second state language, these schools introduced forms with the Russian language of teaching. Last year in the Kastrychnitski borough of Hrodna Belarusian forms existed in schools #3, 5, 6, 26 and 34. 481 children were educated there in their mother tongue, most of them belonged to the senior forms. 390 children attended courses of the Belarusian language at kindergartens of the borough.

In the beginning of November it became known that the Presidential administration reacted to the appeal of the delegates of the VIIIth BLS Assembly, devoted to de-Belarusianization of state-owned TV-channels, promising to return the Belarusian language to Belarusian TV. The appeal was published in independent mass media, sent to Alexander Lukashenka and the acting head of the Government Siarhei Sidorski. It contained at least three demands: to renew TV broadcasts in Belarusian; to adopt a number of legal acts that would provide real equality of two main language societies and regulated the TV broadcasting according to the information of the population census; to make cable TV channels provide the necessary number of Belarusian-language broadcasts. The BLS appeal was read at a sitting and a special sitting with the participation of the country's head was planned where among other questions the work of TV channels and the problem of Belarusian-language broadcasts would be considered. The preliminary date of the sitting is 17 November. Some decisions concerning the return of the Belarusian language to the informational broadcasts of the first national TV channel may be taken there. According to calculations of BLS members, at present the percentage of Belarusian-language broadcasts at 4 state channels is less than 7%, while 73,6% of country's citizens called Belarusian their mother-tongue during the latest population census. During the VIIIth Assembly BLS adopted not only the appeal to the Government, but also an appeal to the Constitutional Court, in which they asked to give legal evaluation of the actions of the National State TV and Radio Campaign and its head Yahor Rybakow. A similar appeal was sent to the official Union of Writers.

On the night of 30 November the scripture "Poles go home" in Russian appeared on the wall of the main office of the Union of Poles in Belarus. According to the organization members it wasn't the first time. The administration of the union informed the police about this incident. "I don't know who needs fomenting of national enmity. We didn't face it for 10 years, and this is the second time for the last month", — said vice-head of the UPB Jozef Parzecki. According to him, the first scripture appeared on the eve of the visit of the head of Polish Senate Longin Pastusiak. At that time the UPB also applied to the police. The police have already started the check-up on the fact of anti-Polish scriptures at the office of the Union of Poles in Belarus. According to vice-head of Hrodna Leninskaye Borough Board of Internal Affairs Alexander Khilko, the incident would be checked by the police for 10 days. "The main version is disorderly conduct", — stated Alexander Khilko. Vice-head of the Union of Poles in Belarus Jozef Parzecki thinks that it can be only intentional fomenting of national enmity. According to the Belarusian legislation, such cases are to be investigated by the prosecutor's office and the KGB. "We have prepared the appropriate appeal to Hrodna Regional Prosecutor's Office", — said Jozef Parzecki.

On 11 December Hrodna police refused to initiate the criminal case over the anti-Polish scriptures. The investigators qualified them as “petty disorderly conduct”. Vice-head of the Union of Poles in Belarus Jozef Parzecki, who applied to Hrodna Leninski Borough Prosecutor’s Office, considered the scripture “Poles Go Home” as fomenting of national enmity. However, the prosecutor’s office refused to consider this crime. The investigators of Hrodna Leninskaye BBIA didn’t see there any crime either. The police stopped the case “due to absence of corpus delicti”. To their mind, this entire incident is a small disorderly conduct. So, even if the persons guilty are found, the strictest punishment to them can be a fine. During the police check-up the vice-head of Hrodna Executive Committee Valantsin Lavonaw stated in his interview to the newspaper “Glos znad Niemna” that “Hrodna Executive Committee considers this incident as a case of sheer hooliganism”. As we can see, the law machinery completely agrees with this opinion.

In December the Constitutional Court proposed to the Chamber of Representatives to provide real equality to Belarusian and Russian languages. In the letter, sent to head of the Belarusian Language Society Aleh Trusaw by vice-head of the Constitutional Court Alexander Maryskin it was said that the Court adopted the protocol decision “About the usage of Belarusian and Russian languages in the tertiary industries, turnover of plastic cards and in the system of state social insurance”. Aleh Trusaw expressed his gratitude to the Constitutional Court for “attentive treatment of the case” and the hope that in 2004 the appropriate amendments would be introduced to the Law on languages and the country’s citizens would have the possibility to make a large step forward in the case of revival of their mother tongue, national history and culture”.

CLOSURE OF YAKUB KOLAS NATIONAL STATE HUMANITARIAN LYCEUM AND STRUGGLE OF THE STUDENTS AND THEIR PARENTS FOR THE RIGHT TO EDUCATION IN MOTHER-TONGUE

On 28 May an overturn took place at the Uladzimir Kolas Lyceum. At an extraordinary teachers' meeting Deputy Director Uladzimir Kolas informed the teachers that he had been dismissed. We know the name of the future lyceum director – Tatsiana Shcherbachevich. Shcherbachevich earlier worked as a school director, then as methodological department head. Even the Education Ministry did not manage to clarify, "Who is Mrs. Shcher¬ba¬chevich?" The new director was unfamiliar to lyceum curriculum and the lyceum education system. The lyceum teachers and students were perplexed. Five years ago when they forcefully evicted Lyceum from its historical premises in 21 Kiraw Str., the students and their parents embarked on a strike, collected signatures and addressed all possible international agencies. Then the public resonance was so great that they silenced the case. In 1998 director Uladzimir Kolas made a compromise, and lowered his status to the level of vice-director in order to rescue the lyceum. Over the past five years the post of the director was vacant. The lyceum was managed by three vice-directors: Uladzimir Kolas, Lavon Barshchewski, and Iryna Sidarenka. Although the lyceum never lived in tranquility, nobody expected the events would develop in such a way. Recently the authorities almost managed to affiliate the lyceum with the State Teachers' University. Such affiliation would mean not only the change of the management, but also "staff cleansing" and adjustments of curricula, including introduction of bi-lingualism. Uladzimir Kolas believes in the present situation his colleagues, lyceum teachers, should have the final word. If his colleagues decide he should resign, he will do so. Although he pledged readiness to leave the post in case the authorities appoint the new director in a violent way. Many people think that these events could be revenge to Kolas for his public activity.

On 27 June it became known that National State Humanitarian Lyceum was liquidated by a Governmental ruling issued on 25 June and the order of the Education Ministry of 26 June. That's how the dramatic events in the lyceum's fate that have developed for a months, ended. The building in 21 Kiraw Street will be passed to the municipality and repaired. According to the official plans, from 1 September 2003 work Minsk Humanitarian Lyceum, subordinated to Minsk Executive Committee, was to have been opened there. National State Humanitarian Lyceum had republican status. The ruling of the Ministry of Education didn't contain any information concerning the fate of

the lyceum teachers. According to the vice-Minister of Education Kazimir Faryn, “individual talks with them will be take place”. The lyceum students held a chain of protest actions.

On 23 July participants of “Our Solidarity” campaign received an answer from the Education Ministry to their protest against liquidation of Yakub Kolas National State Humanitarian Lyceum, signed by U. Shcherba, head of the Main Board of Common Secondary Education. The letter says that the lyceum was liquidated with the aim of “optimizing the system of the Republican educational establishments”, as it was the only secondary educational establishment that stood in the structure of the ministry. We received the explanations what it was and why it was forbidden by phoning to the Board: “educational establishments can’t be subordinate directly to the ministry, and the lyceum was. At first we tried to join the lyceum to Minsk State Pedagogic University, but at that time the lyceum students won. So, we decided to pass it to the city in such a way. […] It is nonsense when a secondary educational establishment is directly subordinated to the ministry. It is the only case in the world. Since the lyceum came into being we have faced different problems and constant demands to join the lyceum to some other educational establishment, as, in accordance with the Ruling on lyceums can enter the structure of higher educational establishments, not be directly subordinated to the Ministry of Education.” Who demanded the change in the lyceum status? The ministry workers openly say that it was the Presidential administration and the Soviet of Ministers. “Some time ago Ivan Pashkevich stood for the lyceum. The present authorities have set out to solve this problem once and for all.” The letter also says that “during renovation of the building in Kiraw Street, 21”, students of Minsk State Humanitarian Lyceum will study at other Belarusian-language educational establishments in accordance with the curriculum plans of the lyceum.” The authorities have already made the decision, though the lyceum programs are unique and have no equivalents at other educational establishments of Belarus. They said that the plans would be only a bit revised, remaining basically the same. Besides, the ministry hoped that the students would agree to study elsewhere. At present it tries to organize discussions with the parents. Yesterday such a discussion was conducted with the parents, whose children studied in the 8th grade. Only some of them came and in single cases agreed to educate their children in other establishments. The majority of parents state that they will educate their children at home.

On 29 July an action of protest against the liquidation of Yakub Kolas National State Humanitarian Lyceum took place. At 8.50 a.m. about 60 parents and lyceum students gathered at the entrance of Minsk City Education Board in Kiraw Street, 5. They stood along the doorway so that every official had to go through the corridor, made of their

bodies. In their hands they held such posters as "I Love Lyceum" and "Leave Us Alone". A delegation of parents whose children study at all of the four lyceum grades, directed to Mr. Tsitsiankow, head of Minsk CEB to demand continuation of study at the lyceum for their children. The official refused to accept the delegation. The action ended at 9.30 a.m.

On 8 August the Culture Ministry's Department for History and Culture Heritage protection and restoration ordered the Education Committee of Minsk administration to stop all renovation works of the building of Yakub Kolas National State Humanities Lyceum. Their examination report of the building at Kirava, 21 said unauthorized renovation was carried out without an official permission from Culture Ministry, in violation of Art. 50 of the law "On protection of history and culture heritage". Mikhail Tsitsiankow was prescribed to stop all work in the building, receive a written permission from the ministry, register an obligation to protect the monument of architecture with the appropriate Department, and to sign an agreement with Larysa Panamarova, chief restoration architect, on supervision over the building. On this very day Panamarova delivered the prescription to Valery Turko, head of Education Committee at Minsk Executive Committee. He was warned that failure to meet the requirements would lead to responsibility under Article #94 of the law on Protection of history and culture heritage. L. Panamarova also pointed out that "the project of repairs, approved by a number of state bodies, must be preceded by a field study and engineering examination of the building and its emergency situation". Moreover, according to her, an organization needs a special permission to carry out pre-project studies and project works. "Until the project is approved, construction workers have no right to start renovation", — underlined Panamarova. At the same time, experts of Belzhylproject institute said there was no emergency and suggest, only engineering communications systems should be fixed. Besides, any renovation of a build can't be legal before it is transferred from the dwelling to the untenantable fund of Minsk Executive Committee.

On 29 August it became known that Minsk Maskowski Borough Court accepted for consideration the complaint of the parents, whose children study at the National State Humanitarian Lyceum concerning the illegality of the Governmental ruling of 25 June 2003 to liquidate the educational establishment. Rehina Zimnitskaya, vice-head of the lyceum defense committee said that the parents considered the actions of the government illegal, as a violation of their right and the right of their children to education in Belarusian language and demanded to cancel the ruling to liquidate the lyceum. The committee hopes the first court sitting will take place in September. "If we succeed in defending our right, and the illegal, groundless ruling of the Ministers' Soviet gets cancelled, the educational establishment will preserve its status", — said Rehina

Zimnitskaya, — "we hope that the court will have enough courage to restore the justice". According to Zimnitskaya, in this case the lyceum would also return to the building in 21Kirava Street. "In the case if the court doesn't satisfy the suit, the lyceum staff will have to take a license for non-state educational establishment", - she said.

On 29 August Zhodzina branch of Belarusian Language Society (BLS) received a fax from Zhodzina Executive Committee. The letter, signed by V. Kashewski, head, and U. Zaretski, head of city affairs department, said the picket was not permitted. BLS planned to hold a picket, demanding the authorities must follow the state program of "Expanding the sphere of usage of Belarusian language in the education system". The picketers also intended to draw public attention to the situation with the National Lyceum. The authorities motivated the ban by the mass events for the Day of Knowledge, planned at the place of the picket.

At the end of August the lyceum students and their parents stood all the time at the entrance of the inaccessible building of their educational establishment, guarded by the police. Dozens of inscriptions, made with color chalk on the pavements and the iron gate of the lyceum witnessed the intention of its students and their parents to defend their educational establishment. The lyceum founder Uladzimir Kolas didn't exclude the possibility that the activity of the lyceum, could be continued abroad. He pointed out that "the reassurances of the authorities that the renovation will be over by 1 September appeared to be false ones". He called nonsense the renovation of the building that, according to him, "is in the state of occupation". "If the authorities don't change their mind we will educate children in the street and try to create normal conditions with the assistance of the lyceum defense committee and struggle for the returning of the building of the educational establishment and our asset", — said U. Kolas.

On 1 September the new school year for the collective of Yakub Kolas National State Humanitarian Lyceum started on the street. The solemn assembly was held near the gates of the closed lyceum building. The first lessons took place on the street. Well-known public activists, politicians and intellectuals came to express their solidarity. More than 300 people gathered. Lyceum pupils came in white T-shirts with the inscriptions «I love my Lyceum!». In their hands they held flowers and bells. The oath of the lyceum was read. 141 pupils have sworn to fight for their rights, their dignity and the lyceum, selflessly serve and work for the lyceum, Belarus and Belarusian language. After the solemn speech of the lyceum head, Uladzimir Kolas, all of them went to the fence of the «Dinamo» stadium. The pupils' parents made wooden benches and the pupils sat down there, separated in groups. Well-known scientific and cultural activists came up to each

group and lectured them. Among the speakers were Ales Marachkin, Valery Mazynski, Radzim Haretski, Piatro Sadowski and Lavon Volski. Leaders of all political parties also came to the lyceum pupils. The elder daughter of Mikola Statkevich, head of Belarusian Social-democratic Party, finished the National lyceum. The son of Vincuk Viacorka, head of Belarusian People's Front, goes to the lyceum…

On 29 September the lyceum students lost the possibility to come to the library of the Belarusian Writers' Union. In the library the lyceum teachers tutored the students on different subjects and kept most of the textbooks. The library lock was changed by administrator of Writers' House Danilchanka, an employee of the President's administration. On Friday representatives of the Committee for Religious Affairs forced the priests of St. Symon and Alena Catholic Church to get the lyceum students out of the church library. Practically, this means the students have no place to gather. The authorities have started a real repression against the kids.

On 10 October it became known that the officials of the workers of the education system whose children learned at the officially liquidated Belarusian National State Humanitarian Lyceum were pressurized by their administration. The officials try to make them take the children out of the lyceum and transfer to ordinary schools. Halina Papova works as a teacher in gymnasium #15. Her daughter Varvara studies at the National lyceum. Halina Papova is a member of the parents' assembly of the lyceum. In summer she actively participated in all measures, organized by the lyceum pupils and parents. This academic year she received only 18 hours a week at her school. Instead of giving her some spare hours, the school administration employed two more teachers. Halina Papova went to the director to find out the reason. The director immediately called the social instructor and they both started to ask where Halina's daughter was learning and why she wasn't going to school. They proposed her to bring the personal file of her daughter to the school where she worked. When she refused they promised he would work with the fewest number of hours possible, which means the lowest wage as well. Alena Dets, mother of another female lyceum pupil, teaches the Belarusian language and literature at secondary school #180. She also felt the pressure of the school administration. On 1 September she came to her office room and found that all her things were brought to another room and were lying there in a mess. When some parents came to help her cleaning the windows and taking the things to their places, they saw large holes in the windowpanes. They said that they wouldn't let their children learn in such a room. Only after this some repair works have started there. The teacher went to the director to settle the question of the repairs, but instead of the answer the director asked her where her daughter was learning. He said that the authorities pressurized him

and he could lose his job without any perspective of employment unless she solved the question with her daughter. The parents, who work at higher educational establishments, were summoned to directors as well. The directors threatened to fire them and proposed their support in joining the children to some educational establishments, other than the lyceum. The teachers concluded that the city educational department had ordered something to the administrations of the educational institutions where parents of the lyceum pupils worked.

On 4 December it became known that the authorities got the police involved. The local police inspectors began to visit their flats. The policemen told that they would pass the prepared reports for consideration by administrative commissions of borough executive committees. The local police inspector paid two visits to the student Alena Dzeyshyts and warned that she would have trouble if she didn’t go to school. According to the lyceum director, the officials of the Ministry of Education demonstrated their inability to solve this issue. The lyceum teachers said that the lessons weren’t disrupted despite these repressions.

December 22 to January 3, 106 students of Yakub Kolas National Humanities Lyceum to study in Vilnius Lyceum. It is a real Christmas present for Belarusian students, who haven’t been studying in a normal way for several months, as after the Lyceum’s liquidation its building was closed ‘for renovation’.

VIOLATION OF THE RIGHT OF CITIZENS TO PEACEFUL ASSEMBLIES

On 3 April in Barysaw an event organized within the "Let's Make It Better" campaign of the Assembly of Democratic Non-Governmental Organizations, was supposed to take place. It was planned Barysaw residents would meet the city administration and the members of the city deputy soviet to discuss the problems which exist in the city. The meeting was supposed to take place in the Officers' House of Barysaw. The meeting gathered about 150 Barysaw residents. However, representatives of neither executive, nor representative power came to the meeting. The people gathered near the building and decided to create a Committee for Civil Self-Governance. Siarhei Salash, one of the coordinators of the "Let's Make It Better" campaign, was elected head of the Committee. The police officers did not like such activism. They charged Salash with organization of the unauthorized picket under the 2nd part of Article #167.1 of the Code of Administrative Violations.

On 4 July Hrodna Executive Committee disallowed representatives of public organizations to organize the celebration of the 593rd anniversary of the Grunwald battle. The refusal, signed by Valantsina Lavonava, said that the bridge between the New and the Old Castle, where the organizers planned to hold a part of the celebration, was in absolute disrepair and therefore it would be dangerous to hold there any mass events. The head of Hrodna City Board of the BPF "Adradzhenne" Alexander Mikhalchyk, the head of the Union of Poles in Belarus Tadevush Kruchkowski and the head of Hrodna PA of Lithuanians in Belarus "Tevine" Algis Dziarginchus filed their application for permission to hold the celebration a month ago. They planned to start the celebration events on 13 July, near Kalozha, and then proceed to the Vitawt monument on the castle hill. The Grunwald battle is one of the most important events in our history. On 15 July 1410 the united forces of the Grand Principality of Lithuania and the Kingdom of Poland won a victory over the Teutonian order. This victory saved our peoples from annihilation and stopped German attacks.

On 12 September in Homel, at 6 Brestskaya Street, where journalists from independent editions were meeting with the youth interested in the work of the mass media, three police officers tried to interfere with the dialogue. Henadz Yunchyts, the police inspector, explained that the police had received an anonymous call about preparation of a terrorist act in 6 Brestskaya Street. He tried to put down the personal information of all present people but couldn't explain the need for such action. After 20

minutes the policemen left the building and the journalists continued the seminar that familiarized the youth with the state of the mass media in Belarus.

On 22 September Homel authorities prohibited to participants of the European bus tour “Justice for All” to lecture on human rights violations in Russia. This tour was organized by the Swiss branch of Amnesty International with a view of telling citizens of Eastern and Central Europe about human rights violations in Russia and urge them to sign the petition to the Russian president. The materials, prepared by members of the organization, contain evidence of tortures and inhumane treatment of prisoners, forcing of women, national and ethnical discrimination and murders in Chechnya. The topic Russian citizenship denied to hundreds of thousands of former Soviet citizens was also widely elucidated. According to the information of the human rights activists, these people would be deported by 31 December 2003, when the term of validity of their Soviet passports was over. Homel authorities prohibited to spread this information in the city. According to the leader of Homel initiative group of support to Amnesty International Viachaslaw Bortnik, Homel Executive Committee permitted only to hold a meeting on the outskirts of the city and limited its topic to the Universal declaration of human rights only. The participants had to agree to these conditions not to have the event disrupted.

On 3 December Vitsebsk Executive Committee defined new places for assemblies, meetings, demonstrations and pickets. The number of the places where public organizations, political parties, religious societies and private individuals are permitted to organize mass action has been reduced twice. Now each of three boroughs of Vitsebsk has one place for organization of mass actions. All of them are far from the center, in desolate parks, For instance, the park of culture and rest “Mazuryna” where picketing is allowed is in the suburb and borders on a forest.

PERSECUTION OF OPPOSITION-MINDED YOUTH AND YOUTH ORGANIZATIONS

On 14 February several dozen Young Front members gathered at Yakub Kolas Square. "We want to declare we will surrender Belarus neither to Russia, nor to Lukashenka's regime", — claimed Young Front Leader Pavel Seviarynets, addressing the crowd. The action lasted for about 40-45 minutes. Then the group walked along Frantsysk Skaryna Avenue toward the Academy of Sciences. When the action was over, one of the groups, headed by Seviarynets, walked back to the office. At the crossroads of 6 Kazlow Street the people were detained by police, which followed the demonstrators along their route. Pavel Seviarynets, Zmitser Filipovich, Aleh Finkevich, Aleh Miadzvedzew, Piatro Kewlaw and A. Hnedchyk were taken to Savetskaye Borough Board of Internal Affairs. The police also detained the reporter of Belaruskaya Gazeta Vadzim Downar. The events under the slogan "I Love Belarus!" took place in over 20 cities of the country.

In Mahiliow Young Front members organized a fancy-dress procession under the white-red-white flag in the city center.

In Brest young people presented several thousand white-red-white valentines to passers-by and visited the Ukrainian and Polish consulates, located in their city.

Orsha regional branches of Young Front, Belarusian Students' Association, Young Social Democrats, and the local organization Zviaz gathered for a meeting.

In Berazino YF members organized a St. Valentine's party, in Asipovichy – a concert, dedicated to the St. Valentine's Day.

During the events in all cities Young Front also campaigned for the democratic candidates running for local Soviets.

On 17 February Minsk Savetski District Court considered the administrative cases against the people, detained during the street action «I Love Belarus!», held on 14 February. Pavel Seviarynets and Artur Finkevich received 10 days in jail, Zmitser Filipovich and Aleh Miadzvedzew – 7 days, Piatro Kewlaw – 5 days. All of the detainees were taken to the infamous detention center in Akrestsin Street.

In the evening of 25 February Minsk police seized four activists of the ZUBR movement for posting of the stickers with the logo of the People's March "For Better Life!" that will take place on 12 March. The reports the policemen had drawn up charged the detained with violation of Article #143 of the Code of Administrative Violations. After drawing up the reports the policemen refused to return the passport to the ZUBR activist

Ihar Vinnikaw, saying he will receive it after paying the fine. According to the law, a fine is to be paid within 10 days. The legislation provides for no cases when a passport can be confiscated.

On the night of 1 March Brest police detained the activists of the unregistered youth movement ZUBR Palina Panasiuk and Pavel Khviruk with the poster “He Must Retire!” The detainees were taken to Maskowskaye Borough Board of Internal Affairs of Brest. The policemen drew up reports for violation of Article #167 of the Code of Administrative Violations (violation of the order for holding of mass actions). They released the detainees only on 2 a.m. on 1 March. At 10 a.m. the police came to Khviruk’s house and took him to the BBIA for the second time. There they drew up one more report – for violation of Article #172 of the Code of Administrative Violations.

On 2 April, the day of the so called “unity of the people of Belarus and Russia”, Young Front activists organized a protest action downtown Minsk. They protested against the possible use of the Russian currency in Belarus. The action was carried out outside the building of the National Bank of Belarus. Young people held posters “Stop Russian Ruble!”, “We are for Belarusian Currency!” and demanded from the authorities to stop attempts to replace the Belarusian currency with the Russian one. The action participants burnt Russian money and chanted: “Stop Russian Ruble!” and “Independence!” Then Young Front members entered the building of the National Bank in order to hand the statement over to its head, Piatro Prakapovich, with the request “to re-consider the decision about the use of the Russian currency, which poses a great danger to our country”. Two police officers tried to detain several action participants but did not succeed. The National Bank officials accepted the Young Front statement and even registered it as an incoming document.

On 7 April Belarusian Students Association carried out an action in students’ polyclinic #33. The action was timed to the World Day of Health and was aimed at drawing attention of students to the problems of health protection. The action was organized within the national campaign “Let’s Make it Better!”, initiated by the Assembly of Democratic NGOs. At 3 p.m. about a dozen of BSA members entered the polyclinic. Every student had an opportunity to receive a reference book “Patient’s Rights”, prepared by members of the Human Rights Center Viasna and the Association of Belarusian Doctors. The reference book contains information about urgent issues of relations between a doctor and a patient. Among other issues discussed in the reference book are free and paid medical services, rights of medical services customer, how to defend one’s rights. In order to raise the spirits of the students, who were concerned

with their own problems and the flu epidemic, the action participants treated them to "pieces of health" – mandarins and glucose vitamins. BSA members handed out 200 copies of the "Patient's Rights" reference book and the same number of "Certificates" with "pieces of health".

On 9 April Yawhen Afnahel, activist of the unregistered youth movement Zubr, was sentenced to 15 days of prison for participation in the Freedom Day action. On 9 April the 15-day term was over. However, the administration of the detention center did not release him. In August 2002 he was sentenced to 10 days in jail for having participated in the action dedicated to the Belarusian Independence Day. He had spent only 3 days in prison that time because of his poor health conditions. Now Afnahel was forced to serve the last years' term till the end.

On 9 April the juvenile commission of Barysaw Executive Committee decided to fine the parents of the 9th grade student of secondary school #16 Zmitser Shmatok 15 000 rubles for distribution of fly-sheets. The police detained Zmitser Shmatok in the evening of 5 March near the check-point of "Avtogidrousilitel" factory while he was handing out fly-sheets against the social policy of the authorities. The student was charged with distribution of the printed production, produced with violations of the established order.

On 16-18 October Brest regional branch of the Human Rights Center Viasna hosted 26 students of Uppsala University (Sweden). The students wanted to meet the Belarusian youth. The student organization in their university organizes trips, meetings with students from other countries, teachers, scientists, politicians and mass media representatives.

The Swedish students learned about the work of Brest regional branch of the Human Rights Center Viasna, and visited Brest Musical College. They visited Zhylunovich National Contest of Belarusian musical instruments, and were fascinated by Belarusian dulcimer players. Head of Brest regional branch of Viasna Uladzimir Vialichkin addressed the Rectors of Belarusian State University and Belarusian State Technical University, as well as directors of 3 Malaryta schools, as well as Brest school #33 and Brest gymnasium #5 asking to allow their students to meet with the students from Sweden. Unfortunately, the administrations of the educational establish-ments refused to do it, referring to the necessity of permission from Brest Regional Executive Committee. Many Brest citizens were indignant with such behavior of Brest authorities, they are sure that their children don't need any official permissions to make friends with foreign youngsters they are sure that they need no official permissions for their kids to make friends with foreign youngsters.

On 14 May activists of Young Front came to Kastrychnitskaya Square with white-red-white flags and posters. They demonstrated their disagreement with the results of the 1995 referendum, which changed the national symbols and gave Russian an official status. Young Front members held white-red-white flags and posters: “Stop Referendum, Stop Occupation!” The police arrested Zmitser Dashkevich and Ales Tarasevich. Natalia Vaitsiakhovich, Judge of Minsk Centralny Borough Court, took just 30 minutes to consider the cases. Zmitser Dashkevich was sentenced to 10 days in jail. Ales Tarasevich will have to spend 3 days under arrest. The police informed the arrested Young Front members that they would not be able to regain possession of their white-red-white flags. Most probably, the same will happen to them just like to all other flags which have been confiscated since the referendum of 1995. The police did not let Young Front members Pavel Seviarynets and Ales Finkevich inside the court building. They managed to get to the building only for a few minutes. Their colleagues asked them to bring books to the cell.

On 18 June Tatsiana Yelavaya, an activist of the unregistered youth movement ZUBR, was arrested for participation in an action to support the international coalition’s actions in Iraq (the action was held on 3 April near the US Embassy). Tatsiana Pawluchuk, judge of Minsk Tsentral Borough Court, judged the arrested in absentia (which is a gross process violation) and sentenced her to 10 days in jail. 18-year-old Tatsiana Yelavaya was detained on successful passing her graduation exam on the history of Belarus and taken to Minsk Kastrychnitski Borough Board of Internal Affairs and then to the detention center in Akrestsin Street. The girl was getting ready for the school-leaving party, but had to spend it in a prison cell… On the night of 20 January Tatsiana Yelavaya was taken to clinical hospital #9 of Minsk and operated on her nose bridge that got inflamed due to the bad conditions in the cell where she was kept. The cell was 4 square meters. Together with her there were 6 hobos, a prostitute and a hooligan. After an hour there T. Yelavaya got a high temperature, but the administration of the detention center refused to call a doctor. On the following day her state deteriorated, but the prison doctor only gave her aspirin. Only at 10 p.m., when her nose bridge started to inflame, the ambulance was called. The ambulance doctor said that unless the prisoner was given urgent medical treatment the inflammation could proceed to the brain. Tatsiana Yelavaya was taken to the resuscitation department of clinical hospital #9 and urgently operated on her nose bridge.

On 8 July Minsk Centralny Borough Court conducted the repeated consideration of the administrative case against the activist of the unregistered youth movement ZUBR Tatsiana Yelavaya. Judge Natalia Vaitsiakhovich again sentenced her to 10 days in jail, in

absentia. It's worth mentioning that the first time T. Yelavaya was sentenced to 10 days in jail for participation in the action of 19 May, "Down with Tyrants!" that took place opposite the US Embassy. On 18 June T. Yelavaya was arrested during her final school exams. After two days in the prison cell the prisoner got high temperature and inflammation of the nose bridge. She was taken to a hospital for an operation. At that time the court ruling was set aside due to prosecutor's protest and sent to the same court for repeated consideration.

At night between 22 and 23 July Minsk police detained three members of Young Front, Zmitser Dashkevich, Artur Finkevich and Aleh Hnechyk (under age) in Frantsysk Skaryna Avenue for posting fly-sheets. The detainees were taken to Minsk Savetskaye Borough Board of Internal Affairs. In their reports the policemen wrote that the Young Front members shouted insults and resisted to them during the detention. Aleh Hnechyk was severely beaten. The police released Aleh Hnechyk, but Zmitser Dashkevich and Artur Finkevich had to spend the night at a police station. In the morning they were taken to court.

On 27 July activists of the resistance movement ZUBR held the action devoted to the 13th anniversary of the Declaration of Sovereignty of the Republic of Belarus. The action started in the midday, at Independence Square in Minsk. The pickets held a poster saying «Long Live Independent Belarus!», the national flag and the flag of the ZUBR movement. They handed out to passers-by congratulation fly-sheets. The police appeared in some 3-4 minutes after the action began. Their demand was to fold up the transparent and the flags. Then the heads of Minsk police, lieutenant-colonel Padabed, colonel Hirel and vice-head of Minsk Maskowskaye Borough Board of Internal Affairs Pats ran towards the picket line and tried to tear the transparent out of the pickets' hands. In some minutes a police bus arrived. The people who were going out of the Catholic church of St. Symon and Alena started to defend the ZUBR members. One of the defenders, Ryhor Kiyko, was forced into the bus together with the pickets. All in all, 6 people were detained in Independence Square: Pavel Yukhnevich, Alaksei Lawkovich, Mikhail Volchak, Zmitser Zhmudzin, Dzianis Baradzin and Ryhor Kiyko. All of them were taken to Maskowskaye BBIA. In 10 minutes after the end of the action Yawhen Afnahel and Ihar Vinnikaw, the ZUBR members who had been watching it and making photos, were detained in Frantsysk Skaryna Avenue. They were taken to the BBIA for identification. The police searched them, copied their passport information and released them in an hour and a half. The other 6 detainees were ordered to write explanatory notes while the policemen were drawing up reports for violation of Article #167.1 of the Code of Administrative Violations. The police also took the fingerprints of those who were detained for the first

time. At about 3.30 all the detainees were released, but received summonses to appear in court at 10 a.m. on 28 July.

On 28 July the people detained on 27 July at the celebration of the Independence Day were tried. The trials were conducted right at Maskowskaye Borough Board of Internal Affairs. Judge Nadzeya Rewtskaya fined Zmitser Zhmudzin 20 minimal wages and warned Pavel Yukhnevich. The policemen L. Shpakow and Ya. Pashkevich who detained the pickets, witnessed against the defendants. Mikhail Volchak demanded legal representation, that's why the trial was postponed to Thursday, 31 July. Cases of all other detainees were sent to the commission for juvenile affairs.

On 28 July parents of the under aged Aleh Hnechyk applied to Minsk Savetskaye Borough Prosecutor's Office demanding punishment for the policemen who illegally detained their son for more than three hours and severely beat him. The parents demanded from the prosecutor's office to find the policemen, give the legal evaluation of their actions and call them to account.

On 29 July Minsk Savetski Borough Court considered the administrative cases of Artur Finkevich and Zmitser Dashkevich, detained on the night of 22 July at Frantsysk Skaryna Avenue for posting fly-sheets of "Young Front" and the "Nasha Niva" newspaper. According to the police report, the fellows used foul language during the detention, violated the public order and behaved badly, though the detainees reject such accusations and think that the police only wanted them to be punished more severely. Judge Ruslan Kazadayew considered the cases. He fined Zmitser Dashkevich 14 000 rubles and postponed the trial over Artur Finkevich to 7 August due to absence of the police witness.

On 7 August Minsk Savetski Borough Court considered the administrative case against the 18-year-old Artur Finkevich. He was accused of petty disorderly conduct, though he was detained during distribution of "Nasha Niva" fly-sheets on the night of 23 July. So, the consideration of the case lasted for a fortnight. The policemen who witnessed against Artur Finkevich in court, gave contradictory testimonies, that's why Judge Ruslan Kazadayew found Mr. Finkevich innocent of small disorderly conduct and sent the case materials back to the police for correction.

On 25 August Minsk police detained Barys Haretski, an activist of the unregistered youth organization Young Front. Barys Haretski intended to take part in the picket-line, devoted to the 12th anniversary of the enforcement of the Declaration of Sovereignty of Belarus, and express his protest against incorporation of Belarus by Russia. However, the

picket did not take place. The police came there earlier than the pickets. The police officers had an order not to let young people, who look like potential picketers, to the square. Police lieutenant-colonel Piatro Verabiow said concerning the detained Young Front activist that he had been detained suspected of money theft.

On the night of 11 November the police detained Zmitser Dashkevich, Artur Finkevich and the minor Aleh Hnechyk near Kamarowski market in Minsk for posting of fly-sheets with the invitation, devoted to the anniversary of the referendum, conducted in 1996. The action devoted to it was planned on 24 November. The youngsters were kept at Minsk Savetskaye Borough Board of Internal Affairs. The police drew up reports on distribution of printed production without issue data and then set the detainees free.

On 12 November policemen of Minsk Leninskaye Borough Board of Internal Affairs detained four members of Young Front at the concert of the band “NRM” for distribution of fly-sheets with agitation to participate in the youth action “STOP the third referendum!” that would take place on 24 November. Interests of the detained were represented at the trial by the lawyers of Human Rights Center Viasna Valantsin Stefanovich and Uladzimir Labkovich. The administrative cases were considered by Judges Alena Tserashkova and Alexander Shylko. Artur Finkevich, being an organizer of the action “STOP the third referendum!”, was found guilty of violation of the 2nd part of Article #167.1 of the Code of Administrative Violations (CAV) as, according to the Law of the Republic of Belarus “On mass actions of the Republic of Belarus” the organizer has no right to inform the public about the place and date of the action before he or she receives the official permission for it. As a result, he was sentenced to 15 days in jail. Alena Skarabunova, Eduard Zelankow and the citizen of Brest Volha Verabyova were found guilty upon the 1st part of Article #167.1 of CAV, violation of the order of mass actions and fined 20 minimal wages each.

On 23 November Luba M. and Siarhei K. handed out issues of Supratsiw (Resistance) newspaper at the town market of Zaslawye, Minsk region. When they ran out of the newspaper copies, they headed to the railway station. On their way to the station they were approached by several people in civil clothes. Without introducing themselves the strangers forced the ZUBR activists into their car. The detention took place at 10.20 a.m. in Savetskaya Street. The ZUBR activists were taken to Zaslawye City Police Board and interrogated by police officers V. Klimushkin, Z. Alesiuk and A. Shytsikaw. The police asked who gave newspaper issues and leaflets to the detained, and how the ZUBR activities were financed. Shytsikaw threatened he would bring the local KGB department to the case investigation. He warned the activists it would be dangerous for ZUBR members to appear in town from that moment on. The detained were charged under Art.

172.1 of the Code of Administrative Violations (producing and spreading printed materials without issue data). After they had their fingerprints taken, at 2 p.m., the Zubr activists were released. However, as they walked out of the building, the policemen with submachine guns ran up to them and said the head of the police board wanted to talk to them. The activists were detained again. Siarhei Dzikevich, head of Zaslawye Police Board, informed the detained they might be charged with insult of the President. He said he had information that while distributing Supratsiw Luba and Siarhei talked to the people on the market and criticized Lukashenka's policies. At about 3 p.m. the young opposition activists could leave. Besides Zaslawye, Supratsiw newspaper was distributed on Sunday in Dziarzhynsk and Stowbtsy. The distributors had no problems with the local authorities. They also distributed leaflets with ZUBR contact phone numbers.

At 5.30 p.m. on 24 November Young Front activists started an action in Yakub Kolas Square against the possible referendum to grant a third term in office to Alexander Lukashenka. At 5.50 p.m. the police detained one of the Young Front leaders Yawhen Skochka, Zmitser Dashkevich, Aksana Novikava, Ruslan Kharkevich, Aleh Hnedchyk, and Vasil Parfiankow. Yawhen Skochka was released from the police board at 7 p.m., because he had a journalist card with him. According to Yawhen Skochka, 17 people were detained, many of them were under age.

On 25 November Savetski Borough Court of Minsk tried participants of the action against the possible referendum to give Lukashenka a third term in office. The results of the trials are the following:

Zmitser Dashkevich (Judge Ruslan Kazadayew) – 15 days in jail;

Vasil Parfiankow (Judge Natalia Skuharova) – 15 days in jail.

Ales Zapartyka (Judge Natalia Skuharova) – 5 days in jail;

Aksana Novikava, who in April 2003 received a conditional sentence for insult of the President, was released yesterday on 24 November at about 9 p.m. She received summons to come to court at 10 a.m. on 25 November. However, Aksana Novikava decided not to come to the court. She explained her position, "I am not going to appear in court voluntarily. The regime is illegitimate. That means its demands are illegal and there's no need to comply with them".

On 27 November Judge of Minsk Savetski Borough Court Ruslan Kazadayew sentenced the activist of Young Front Artur Finkevich to 15 days in jail. This verdict was pronounced on the day when the term of the previous imprisonment finished and A.

Finkevich was to have been released from jail. We should remind that on 13 November he was sentenced to 15 days in jail for distribution of fly-sheets with the invitation to the action against the possible referendum that could allow A. Lukashenka running for the third Presidential term. After these 15 days Artur Finkevich was taken right to Minsk Savetskaye BBIA. There one more report upon the 2nd part of Article #167.1 of the Code of Administrative Violations was drawn (distribution of fly-sheets, for which Finkevich was detained a week before the first sentence). As a result, Judge Ruslan Kazadayew again sentenced the defendant to 15 days in jail. According to the lawyer of the Human Rights Center Viasna Uladzimir Labkovich it was the first precedent when a person was twice sentenced to maximal term of imprisonment for the same administrative violation. "In this case the Code of Administrative Violations was violated by the court. The Constitution and the legislation completely prohibit to keep a person for a month in unbearable conditions for the same actions. Artur Finkevich was taken to the police right from the detention center, then to the court and back to the detention center for 15 days. He was deprived of the possibility to come home and freshen himself up", – said Uladzimir Labkovich.

On 2 December more than 20 people gathered near the detention center in Akrestsin Street in Minsk. Three participants of the action of 24 November, organized by the "Young Front" in the center of Minsk, are kept there. The member of the Young Front Zmitser Dashkevich and the member of Belarusian Freedom Party Vasil Parfiankow were sentenced to 15 days in jail. Artur Finkevich, another activist of the Young Front, has to spend as many as 30 (!) days there. Participants of the action of solidarity with the prisoners stood outside the detention center for an hour, holding candles in their hands. According to the Young Front leader Pavel Seviarynets, the actions of solidarity with Artur Finkevich, Zmitser Dashkevich and Vasil Parfiankow would continue till their release.

December 16 Judge A. Tochkar fined Lubow Kuchynskaya and Siarhei Rykaw 10 basic values (about 80 USD). In the end of November two ZUBR activists were detained in the town of Zaslawye for distribution of the Soprotivleniye newspaper.

December 18 Artur Finkevich, Young Front activist, received the decision of Zavodzki borough commission for administrative offences. The decision, dated December 12, rules to fine Finkevich 60 thousand rubles (about 30 USD) for «distribution of printed materials with violation of the prescribed order» (Art 172 part 3 of the Code of Administrative Offences). Finkevich committed the «offence» on November 10. He has already served 15 days in jail for that (the trial took place on November 27). However, then he was found guilty of violation of the prescribed order of organizing and conducting mass events (Art. 167 part 2 of the Code of Administrative Offences). In particular, being an

official organizer of the action against the possible referendum on Lukashenka's third term in office, he had spread leaflets with information about the action before Minsk city administration permitted it. As it turned out, the police detained Finkevich and drew up reports not only for the «offence» he has just served his jail term for, but also for distribution of printed materials without output data. He learned about that only that day, on receiving the commission's decision about the fine by mail. Finkevich believes the decision is illegal. He appealed against the court decision.

December 18 two Zubr activists were detained when distributing leaflets with Zubr logo down town Minsk. One of the guys, Paval Yukhnevich, was charged under Art 143-3 of the Code of Administrative Offences. The case is to be sent to commission on administrative offences for consideration.

PERSECUTION OF TRADE UNIONS, WORKING MOVEMENT AND BUSINESSMEN

On 22 January about 300 businessmen came to the building of Hrodna Executive Committee in order to pass their demands to the authorities. The strike was caused by check-ups of the control services, as a result of which some shop owners at Pawdniovy market were fined 4-5 million rubles. The strikers were also indignant with the case of Vitsebsk businessmen who were trafficking goods, purchased in Hrodna and were detained by the police in Iwie, because the policemen didn't like the goods documentation. The well-known activist of the business movement Valery Levanewski visited the executive committee. He told the businessmen that the authorities had promised to stop the check-ups. Alexander Antonenka, head of Hrodna Executive Committee, went out to the strikers, said that the check-ups were stopped and the businessmen could continue working.

On 2 April Valery Levanewski, head of the Strike Committee of Businessmen of the Republic of Belarus, was sentenced to 15 days of imprisonment. Savetski Borough Court of Minsk found Levanewski guilty of participation in the social action People's March "For a Better Life!". Valery Levanewski was charged under Article 167.1, clause 2, of the CAV. Judge Ruslan Kazadayew found him guilty of repeated violation of the established procedure of holding street actions within the year. Three people in civil clothes detained Levanewski in the morning of 1 April near the House of the Government. Levanewski, together with his colleagues, came from Hrodna to participate in the action "Addressing the Parliament", organized by the strike committee. However, already at 9 a.m. the building was cordoned off by the police. Valery Levanewski and his son Uladzimir were detained as soon as they came to the place of action.

On 11 June the yearly report of the International Conference of Free Trade Unions (ICFTU) about violations of the rights of workers in the world was published. From the point of view of the ICFTU the state of the basic rights of trade unions Belarus caused the greatest concern compared to other European countries. The report on the results of the year 2002 was presented in Geneva by the ICFTU Secretary General Guy Rider. In the European part of the report considerable facts of violence against leaders of trade unions in Poland, Russia and Croatia were described. Persecution and firing of members of trade unions were most often observed in Bulgaria, Hungary, Czech, Russia and the Ukraine. Belarus occupied a special place in the report. "In 2002 Alexander Lukashenka spent much effort to eradicate freedom. In his September speech he openly stated that trade unions were to be official bodies. Two month before that the campaign of financial

pressure on the Federation of Trade Unions that was conducted by the government and directors of enterprises, ended. As a result A. Lukashenka managed to get retirement of the FTU head whom he replaced with Leanid Kozik, former vice-head of the Presidential administration. Now he executes the task of returning the political control of the most influential trade unions that are members of the federation. For this period several trade union leaders were deprived of their positions and the trade unions were subordinated to the State administration. Some independent leaders also express their fears that the FTU will be more and more often used as a political instrument of the regime", — says the report of the ICFTU.

On 18 September Minsk Leninski Borough Court found Alexander Yarashuk, head of Belarusian Congress of democratic trade unions, guilty of disrespect for court (Article #166.1 of the Code of Administrative Violations) and sentenced him to 10 days in jail. The reason for the arrest was his article "Pyrrhic Victory, or Chronicle of the Diving Trade Union" about the liquidation of the trade union of air traffic controllers, published in the newspaper "Narodnaya Volya" on 21 August. In the article Alexander Yarashuk called the liquidation trial, conducted by the Supreme Court, a "farce, the end of which was known before the beginning" and also stated that Judge Halina Zhukowskaya ignored the testimonies in defense of the organization.

On 1 October Maskowski Borough Court of Minsk sentenced Anatol Shumchanka, head of market vendors association "Perspektyva", to 5 days in jail. He was jailed for picketing Maskowski borough administration of Minsk. On 3 September members of his organization blocked the entrance to the building of Maskowski borough administration. They demanded to stop "ungrounded and biased check-ups of businessmen by bodies subordinate to Maskowski administration, aimed at banning retail kiosks from Minsk streets". The police arrested Shumchanka on 1 October in the building of an economic court. He was immediately taken to court. The same day the judge passed a quick decision.

On 10 October the businessman Mikalai Awtukhovich, owner of Vawkavysk «Radio Taxi 22222» went on hunger-strike of protest against detention of 13 of his cars by taxation bodies as payment of a fine.

On 14 October a doctor came to Mikalai Awtukhovich and proposed to continue the hunger strike in hospital. The businessman refused. He also stated that he didn't violate any laws and would go on hungering till the cars were returned to him.

On 15 October 10 drivers of Vawkavysk «Radio Taxi 22222» went on hunger-strike of solidarity with their employer Mikalai Awtukhovich.

On 15 October Alexander Bukvostaw, head of the Republican trade union of agricultural machine builders, applied to Minsk Executive Committee, asking to permit him picketing in Kastrychnitskaya Square on 30 October. However, the city administration prohibited it to him and, traditionally, transferred the place of the action to Banhalor Square. Alexander Bukhvostaw stated that he would keep to his plan and would appear in Kastrychnitskaya Square alone, because he filed the application in person, not on behalf of the trade union movement.

On 16 October one week passed since 60 workers of Vawkavysk «Radio Taxi 22222» were left without work, after the inspection of the taxation committee of Hrodna region detained 11 of 18 taxi cars of Mikalai Awtukhovich as well as the micro van and the evacuator car to guarantee the payment of the 273 million ruble fine awarded to the entrepreneur for checkout violations. The businessman didn't plead guilty. He stated that in this way he was being intimidated for confrontation with the authorities. The hunger-strikers were sitting in the office of «Radio Taxi 22222» all the time and said that they weren't going to leave it until the cars were returned to Mikalai Awtukhovich. According to the Inspection of the taxation committee of Hrodna region, the cars were to be kept at a police parking till the end of the check-up, pending a court decision.

In the evening of 16 October an ambulance was called to the office of Vawkavysk "Radio Taxi 22222" where 13 taxi drivers were keeping hunger strike. The health of Mikalai Awtukhovich, who had been hungering for 6 days already, got worse. The businessman said that such reaction of his body is a result of the two hepatitis illnesses he had, one of them in Afghanistan. He said that the doctors again wanted him to give the acknowledgment that he had refused from hospitalization, but he didn't sign anything.

On 30 October Alexander Bukvostaw, appeared in Kastrychnitskaya Square. As soon as A. Bukvostaw unrolled the posters, a policeman ran towards him and read the articles of administrative violation. Then people in plain clothes seized him and pulled into a police bus. Head of the trade union of the "Planar" enterprise Ihar Komlik was detained together with him.

In an hour Minsk Centralny Borough Court sentenced Alexander Bukhvostaw to 10 days of arrest for violation of part 1 of Article #167 of the Code of Administrative Violations of Belarus.

On 31 October, after 21 days of hunger strike, the drivers received their cars. The process of returning of the cars lasted for three hours, after which the taxis drove along Vawkavysk streets. When people saw the cars, they smiled, waved their hands and applauded. However, Mikalai Awtukhovich pointed out that it was not the final victory. Though all of the taxis are in the garage of the private service «Radio Taxi 22222», the detailed technical inspection was ahead. To start working, the businessman also needed a license as the Ministry of Transport of Belarus has suspended the term of the license action till 20 November. According to the last conclusion of the tax inspection Mikalai Awtukhovich was to have paid 274 million rubles as a fine.

On 5 November, after about a month's break, Vawkavysk firm "Radio Taxi 22222" started working again. The Ministry of Transport renewed the license for passenger transportation to the businessman Mikalai Awtukhovich. The decision was signed in the evening of 4 November by the first vice-Minister of Transport Mikalai Verkhavets.

On 3 December the Minister of Justice Viktar Halavanaw stated that the Ministry of Justice was elaborating the draft Presidential decree according to which it would take the function of registration and control of activity of juridical bodies and individual businessmen. The Ministry of Justice has dealt with registration of juridical bodies and individual businessmen for 2 years already. The ministry register has information about 95 495 legal bodies (their founders, established time, field of activity, etc.) and 237 497 businessmen. However, the state still hasn't any body to control the registration of legal bodies and individual businessmen. That's why, as Viktar Halavanaw said that "the problem of registration of legal bodies and businessmen needs to be scrutinized". The Ministry of Justice was going to take this burden without hiring any new workers, at the expense of its "internal reserves".

VIOLATIONS OF THE CIVIL RIGHTS TO WORK AND SOCIAL DEFENSE

In February the member of Belarusian Social Democratic Party (Narodnaya Hramada) Aleh Kavalewski was forced to quit his job. He was running for membership in Orsha City Soviet. The administration of the «Akhova» association issued an ultimatum to him: he had to either quit the election race, or his job. Aleh Kavalewski decided to continue the race and stay in the party.

On 27 February the head of Kniazhychy postal office Alena Krupenka applied to the prosecutor’s office, stating that Tamara Ihnatovich, head of Shklow district communication center, pressurized her, demanding her to stand down, threatening dismissal. Alena Krupenka was a candidate to Shklow District Deputy Soviet in Kniazhychy electoral circuit #21 and a rival to Ivan Isachenka, vice-head of Shklow District Electoral Committee. Alena Krutsenka decided to continue her electoral campaign and the authorities of Shklow district communication center started a check-up at Kniazhychy postal office.

On 30 April in connection with political and public activity and participation in the election to local Deputy Soviets the representative of the Public Association Human Rights Center Viasna in Navapolatsk Zmitser Salawyow was fired. Till 30 April he was a worker of the scientific research institute section of Polatsk State University. «The dismissal order says that I am fired «in connection with the expiry of the contract term»», — Zmitser Salawyow said, — «but it is a formal reason, as we have always worked by a contract. I worked this way after finishing the post-graduate courses in 1999. The real reason for my dismissal was that during the election to the local Deputy Soviets I was a candidate to Vitsebsk Regional Deputy Soviet in the same circuit with the scientific provost of our university, Fiodar Pantsialeyenka. I was his rival in March 2003. In 2000, during the election to the Chamber of Representatives, Pantsialeyenka was the head of polling station electoral commission #9. I was an observer from Human Rights Center Viasna, found falsifications at this polling station and submitted the appropriate papers to the prosecutor’s office. The prosecutor’s office answered: «We recommend considering as trustworthy the results at polling station #9 «. So, our conflict with the provost is a long one.»

On 12 May the wheelchair disabled organized street actions in several Belarusian cities. The aim of the actions was to draw attention and defend the rights of people with limited possibilities. The organizers planned to have an action in the center of Minsk, but the city officials prohibited to do it on Yakub Kolas Square and sent them to Banhalor

Square, located on the outskirts. About 10 people in wheelchairs refused to go to the outskirts and lined up along the road, holding posters: "President, when will our laws start working?", "Disabled people don't exist in this country", "We are people too and we want to live". Minsk administration explained their decision was based on equality of all citizens. Since the administration passed the Ruling in 1999, which determined Banhalor Square as the place of mass actions, all actions are to be organized there. According to Alexander Pukhaw, head of the information department of Minsk Executive Committee, "obviously, they are special people, but the law must treat everyone equally". At present the state bodies have no information either about the number of people on wheelchairs, or about their employment situation. The Association of People on Wheelchairs has 700 members. Experts state that there are about 8-12 thousand people, not able to walk, in Belarus. Siarhei Drazdowski said that now people on wheelchairs rely only on themselves, because most of non-governmental organizations are on the edge of survival. He thinks it's a special policy of the authorities to disintegrate the public forces in order to decrease the level of their activity.

On 22 October four female Babruysk citizens, Lubow Sankevich, Eva Ustsimchuk, Halina Huseva and Yanina Awsianik came to Kastrychnitskaya Square of Minsk. They call their visit to Minsk their last chance to restore justice after they received refusals in all other administrative and court bodies. Since July 2001 they have been writing applications to the Presidential administration in order to meet with Alexander Lukashenka and tell him about the unjust actions of officials and courts that make them suffer. Lubow Sankevich wants to be reinstated at Babruysk Factory of tractor spare parts and aggregates and has been keeping a hunger-strike of protest for 22 days already. Her friend Halina Huseva has stopped hungering on the sixteenth day, when the state of her health rapidly deteriorated. Despite this, she has also come to Minsk. She demands from the "Fandok" enterprise to return the money she paid for the flat that the enterprise didn't give her. Halina Huseva pointed out that she didn't believe anybody any more, even to Lukashenka. Eva Ustsimchuk demands reinstatement in her working place, a flat and a worthy wage which A. Lukashenka promised before the election. Yanina Awsianik brings up a disabled child and has been waiting for her turn to receive a flat for 17 years already. These four women, tired of their life, decided to take a desperate step and hold an unauthorized action of protest opposite the building of Lukashenka's administration. They unrolled a poster which said that they had been demanding a meeting with Lukashenka for three years already and stood with it for two minutes, before the guards came near. The panic-stricken protesters tried to leave the square. Some other policemen blocked their way to the underground. As a result, Lubow Sankevich and

Yanina Awsianik were detained and taken to Minsk Centralny Police Board, together with Yury Hryhoryew, an observer from Belarusian Helsinki Committee, the film producer Ruslan Zgolich and a correspondent of Radio "Liberty". In an hour the police released all of them without making any reports. Ruslan Zgolich and Lubow Sankevich were taken to hospital in an ambulance. Both had high blood pressure. Despite being almost in the state of a hypertonic crisis, Lubow Sankevich declared to the police and the doctors that he would continue the hunger strike and reject medications till she met with Lukashenka.

On 6 December the Executive Bureau of Belarusian Social Democratic Party (Narodnaya Hramada) adopted the statement in support of Anatol Lawkovich , head of BSDP NH Brest regional organization. The statement read: "The effectiveness control commission of A.S. Pushkin Brest State University didn't confirm the status of the candidate of philosophic sciences Anatol Lawkovich. Anatol Lawkovich have worked in the university for 25 years already and for all this time his work was evaluated only positively which is confirmed by the characteristic, submitted to the commission by his department. The leader of Brest regional organization of Belarusian Social Democratic Party (Narodnaya Hramada) is actually being repressed for his political and public activity, wide engagement of Brest social democrats in electoral campaigns, etc. It is one more case in the flow of reprisals of Belarusian activities against leaders of democratic opposition. The Executive Bureau of Belarusian Social Democratic Party (Narodnaya Hramada) expresses its decisive protest against the persecution of A. Lawkovich and other activists of BSDP (NH) in Brest region. The Executive Bureau calls social democratic parties and governments of European countries as well as the international community to express their solidarity with Belarusian social democrats and support their struggle for democracy and the European future of Belarus."

On 7 December the pensioner Ihnat Petruchuk, born in 1939, applied to the public reception room of the Human Right Center Viasna. On 11 April 2003 he was illegally working near the gas station in Arlowskaya Street, 86. According to the court ruling he "sold 60 liters A-92 gas and 30 liters of diesel oil. The police composed a report on the fact of illegal sale of the fuel. During the trial I. Petruchuk seriously injured his leg. He had a bad fracture and spent about a month at the Traumatology Institute where he was operated on his leg, then had a long-term stationary treatment at the city clinics #30. The trial over him was delayed several times. However, the court didn't treat the illness as an obstacle. On 4 November 2003 Judge on administrative cases I. Vaitsiakhovich and the secretary A. Manarchyk came to I. Petruchuk's flat and informed him that they will conduct an ambulatory trial there. The pensioner was all adrift and answered that he wouldn't be able to participate in it because he felt bad, but let Judge and the secretary

in. Having explained that it was necessary to urgently consider the case, I. Vaitsiakhovich started her work. I. Petruchuk refused to answer the questions concerning the case circumstances. As a result of the "home trial" he was fined 20 minimal wages (330 000 rubles). The complaint that Petruchuk filed with the head of Minsk City Court said: "Being a disabled aged man I felt very bad after the fracture. The leg ached much and I often had high temperature. That's why I couldn't use to the full extent the rights provided by the law. For instance, I couldn't familiarize with the case materials, give explanations, present evidence, etc."

PRESSURIZATION OF POLITICALLY AND PUBLICLY ACTIVE CITIZENS BY SECRET SERVICES

On 16 January Minsk City Court received a complaint by Boris Nemtsov, the leader of the faction Union of Right Forces in the State Duma of Russia. Mr. Nemtsov demands the court cancel the ruling of the Centralny Borough Court of Minsk and consider his suit against the KGB of Belarus. Boris Nemtsov demanded the Belarusian court annul the KGB decision about his forcible departure on 23 October 2002 when he was detained in the Minsk airport and promptly deported to Moscow. He then came to Belarus to take part in an international conference. However, Judge Piatro Kirkowski said there was no decision to deport from Belarus the Russian politician and refused to consider the suit. Boris Nemtsov now wants this case to be considered in a public court hearing.

On 23 January Centralny Borough Court of Minsk didn't satisfy the complaint of Anatol Labedzka on actions of Belarusian KGB. According to Judge Uladzimir Yesman the reprimand issued to Labedzka by KGB concerning his allegedly dangerous activity that could lead to "state treachery" was legal and reasonable. The court took the opinion that Anatol Labedzka was legally detained by KGB workers on 5 November 2002 near the US Embassy building in Minsk. The judge also considered as reasonable the text of the reprimand to Labedzka that pointed at contacts of the UCP leader with foreign diplomats suspected of espionage and receiving of large sums of money from foreign organizations. The judge finished the case consideration in 2,5 hours. The KGB representative was satisfied with the court verdict. Anatol Labedzka said that he was going to appeal against this decision in a higher court.

On 26 February an unknown man phoned to Leanid Malakhaw, co-head of the public organization "Private Property". The man called himself KGB worker Siarhei Lomats and suggested a meeting. Malakhaw turned down the suggestion and recommended the man to send him an official call-up from KGB. The man tried to convince Malakhaw of the necessity to meet with him and asked not to "make a great stink". The businessman refused again. Then Lomats promised that Malakhaw would soon receive a summons to KGB… Being one of the organizers of the People's March "For Better Life", Leanid Malakhaw considers this incident as an attempt to pressurize him. The businessman says he can't be intimidated that easily.

On 7 March the College Board of Minsk City Court didn't satisfy the cassation complaint of Anatol Labedzka, leader of the United Civil Party, against the decision of Minsk Centralny Borough Court justifying the KGB actions against the plaintiff. On Thursday the College Board of Minsk City Court, consisting of Judges Luhina,

Hlukhowskaya and Salawyova justified the KGB actions against Anatol Labedzka. The thing is, on 6 November 2001 unknown persons in camouflage uniform seized Anatol Labedzka and took him to the main KGB building. They neither showed their documents nor called their names. In one of the rooms the empowered KGB office Chupakhin read the official warning to Anatol Labedzka, issued by the KGB, where the latter was "warned against violation of Article #356 of the Criminal Code (state treachery)". As a result, Labedzka applied However, the court of the first instance with Judge Yesman at the head found the warning to be legal. In fact, the judge didn't even familiarize himself with the case materials, saying that they "were found to be secret by the KGB officers Kaltanovich, Stulaw and Vasilyew and can't be read in public". Nevertheless, in three days after the decision was adopted, Anatol Labedzka received the KGB note informing him that he could familiarize himself with the whole case. Anatol Labedzka filed a cassation complaint with Minsk City Court. However, the three judges didn't listen to the plaintiff, who asked them at least to familiarize with the warning, accusing him of receiving of $1500 monthly from foreign investors and meetings with potential spy from a foreign Embassy.

On 21 March members of the BPF branch of the town of Voranava, Hrodna region, congratulated the town teachers and pupils. In the morning they distributed the postcards with a "Pahonia", the national emblem, and a white-red-white flag. During one of the recesses pupils found them on the window-sills of the corridors. They took some for themselves and gave some to their teachers as well. The frightened administration called the local police in order to find who had distributed the postcards. Representatives of the district KGB board arrived as well. They interrogated the pupils till the end of their classes.

On 14 April Mr. Simbirow, reporter of the Panarama independent newspaper, applied to the prosecutor's office with the request to return his personal papers, which had been confiscated 2 years ago. Then he was charged with libel in the newspaper. The charge was dropped later, but the confiscated texts of the articles were not returned to the journalist. Mr. Simbirow was quite surprised to receive the prosecutor's reply, that "… the materials regarding you, which contained appeals to change the constitutional system of the Republic of Belarus, were separated from the case and sent to the KGB".

On 18 November Ales Mikhalevich, member of Pukhavichy Soviet, told RFE/RL about KGB attempts to force him to cooperate with them. According to Mikhalevich, when he refused, they started to blackmail him. Ales Mikhalevich, 28, is the head of Minsk regional branch of Belarusian People's Front. This year Mikhalevich was elected to Pukhavichy City Deputy Soviet. Mikhalevich says, the KGB officer, who called himself

Siarhei made no secret of his goals. He was interested in information about financial affairs of opposition forces. Mikhalevich refused to cooperate with KGB because of his moral principles.

December 22 Centralny borough court of Homel sentenced Zubr activist Siarhei Siamionaw to 5 days of jail for taking part in action dedicated to the second anniversary of Andrei Zaitsaw's death. The action of Andrei Zaitsaw's commemoration was carried out on December 20. The court found Siarhei Siamionaw guilty of violating Articles 156 and 166 of the Code of Administrative Offences (disorderly conduct and insubordination to legal demands of police officers) and sentenced him to 5 days in jail.

VIOLATIONS OF CIVIL RIGHTS DURING THE ELECTION TO LOCAL DEPUTY SOVIETS

At the beginning of January the Central Electoral Committee of the Republic of Belarus proposed that ballot papers "be produced using a computer, a typewriter, or handwritten (in ink or with a ball-point pen)" . "The organizational and legal issues pertaining to the work of territorial and circuit electoral committees for elections of local Soviets of deputies of the Republic of Belarus" that were approved by the Central Committee are beyond the scope of the Electoral Code. The section Provision of district electoral committees with ballot papers says, "Ballots shall be printed. Should the production of printed ballots be impossible, the ballots for elections of deputies of urban (district towns) and rural Soviets of deputies may be typed by the members of related territorial electoral committees using a computer or a typewriter, or handwritten (in ink or with a ball-point pen)". This provision infringes the Electoral Code of the Republic of Belarus. Paragraph 5 of Art. 41 of the EC of the RB stipulates that the powers of urban (district towns), rural territorial electoral committees include approval of the text of ballots for election of deputies of related administrative units, manufacturing of ballots and provision of circuit committees with ballots. Art. 72 of the EC of the RB specifies the demands for ballots used in elections of local Soviets of deputies. This article does not provide for ballots to be type- or handwritten. The only exception allowing the usage of ink or ball-point pens is when candidates withdraw from the electoral campaign. It is worthwhile to mention that democratic countries introduce into ballots various degrees of security such as water marks, range numbers, etc. Handwriting ballots may result in gross fraudulent manipulation of elections outcomes if all 1529 urban (district towns) and rural electoral committees choose to exercise the right given by CEC to handwrite ballots.

On 14 January the Central Committee of the Republic of Belarus for Elections and Referenda adopted the ruling Interpretation of some provisions of the Electoral Code of the Republic of Belarus which stipulate the meetings of candidates for Local Soviets with electors. This ruling significantly limited the agitation right of the candidates running for local Soviets. In accordance with point 3 of the ruling, assemblies, meetings and other mass measures arranged within the agitation period outside buildings, as well as street processions, demonstrations and picketing shall be conducted in compliance with the Law of the Republic of Belarus dated 30 January 1997 On processions, meetings, demonstrations and picketing and the #11 Decree of the President of the Republic of Belarus adopted in 2002 On some measures specifying the procedures of holding assemblies, meetings, street processions and other mass measures and picketing in the Republic of Belarus." In accordance with paragraph 1 of this ruling, all meetings with

electors should take place in the buildings specified by the circuit and territorial commissions and the related executive committees and administrations. To arrange a street meeting with electors, candidates will have to submit to executive committees an application form asking for relevant permission within the terms stipulated by the present legislation (15 days prior to the meeting). The executive committees have the right to change the hours and the location of the meeting, or even ban it altogether. This ruling by the Central committee is in breach with Art. 45 of the Electoral Code of the Republic of Belarus. It says that citizens of the Republic of Belarus, political parties, other public associations, employees, trusted agents of the candidates for Soviets have the right to freely and comprehensively discuss the electoral programs of the candidates, their political allegiances, business and personal qualities, agitating "for" or "against" a candidate during assemblies, meetings, via the mass media, and also during meetings with electors. It should be mentioned that in accordance with part 4 of Art. 45 of the EC of the Republic of Belarus, the legislation of the Republic of Belarus about the order of conducting mass events cover only those meetings with electors that publicly discuss the would-be referendum issues. Thus, meetings arranged beyond buildings and without the prior permission of executive committees will from this time onward be in breach of Art. 167.1 of the Code of Administrative Violations and the candidates and their initiative groups will be punished accordingly. Should such meetings be arranged by a political party willing to support its candidates, the party in question will be penalized in accordance with Decree #11 which may initiate liquidation of the party for the violation of the terms prerequisite to arranging and holding mass measures.

On 29 January another stage of the election campaign – forming of polling station election commissions – was over. The authorities practically ignored the norms of the Belarusian election legislation again. All in all, there were 6,681 polling station commissions created. The total number of the polling station commission members is 72,328 people. Most of them were nominated by working collectives and citizens (by signature collection). Only 162 (out of 72,328) commission members belong to political parties. At the same time, most of those 162 are members of political parties, loyal to the current regime (Communist Party of Belarus (KPB) – 81, and Agrarian Party 30). Democratic political parties are practically not represented in these commissions. Party of Communists of Belarus (PKB) has the largest representation – 29 people, United Civic Party – 21, and Belarusian People's Front – only 1 person. The majority of polling station commissions were formed of working collective representatives and persons, nominated by citizens' applications. A large number of poling station election commissions were created out of the staff of one enterprise or institution.

On 29 January the registration of local candidates started and continued till 31 January. Candidates' registration marks the beginning of another stage of the elections – canvassing campaign. However, on 16 December 2002 the Central Election Commission issued a Ruling, which seriously restricted the right of political parties and NGOs for campaigning. According to part 1 of the Ruling, election posters of local candidates shall be sponsored from the National budget and non-budget fund, created by the Central Election Commission. It is not allowed to use resources of candidates, their proxies, political parties, non-governmental organizations, companies or private citizens for publishing posters. It's worth mentioning that, according to Art. 45 of the Electoral Code, the term «poster» also includes appeals, slogans, statements, printed material, and photo-material.

On 31 January the registration of candidates to local Soviets of the 24th convocation, was over. CEC head L. Yarmoshyna announced the results of registration at the press conference on 5 February. She says the data are not final, because some of the unregistered candidates filed appeals to courts. The number of candidates can still change (increase), but not to a great extent. According to the data of the regional and Minsk city election com¬missions, 25,805 candidates were registered. 762 contenders (2.9%) were refused. Out of 769 contenders for membership in regional Soviets, 569 were registered, 200 (26%) – refused. 305 people were nominated to Minsk city Soviet, 165 candidates were registered, 140 (45.9%) – refused. Minsk city election commission is still considering 11 debatable applications, 6 unregistered contenders appealed to Minsk City Court. 4795 contenders were nominated to district Soviets, 4658 of them were registered, 137 (2.9%) were denied registration. 1572 contenders were nominated to city Soviets, 1355 were registered, 217 (13.8%) – refused. Only 3 contenders to town Soviets (1%) were not registered. 8 contenders to small town Soviets (0.7%), and 57 contenders (0.3%) to village Soviets were not registered. In Brest region 72 contenders to Soviets of all levels were not registered (1.8%), In Vitsebsk region – 112 (2.4%), Homel region — 87 (1,8%), Hrodna region – 100 (2,9%), Minsk region — 153 (2,8%), and Mahilow region — 98 (2,7%). 1033 contenders were nominated by party lists, 693 of them were registered, 340 party members were not registered (32,9%). Nominees of Liberal-Democratic Party were refused most often– 44%: 329 were nominated, 184 — registered, 145 – not registered. The most common reason for refusal was lack of registered local party structures. Another common reason was inaccuracies in income and property declarations. The United Civil Party nominated 130 candidates, 54 of them were registered, Belarusian People's Front, correspondingly, 76 and 50, Belarusian Social Democratic Party (NH) — 103 and 69, Communist Part of Belarus 141 and 114, Belarusian

Communist Party 208 and 173, Party of People's Consent 21 and 9. All contenders from Agrarian party were registered (7 of 7). All contenders from Belarusian Labor Party, Belarusian Social Sports Party, and Republican Party also had no problems with registration. None of the representatives of the Belarusian Women's Party Nadzeya were registered. The main reason for refusal was that all structures, including regional and district ones, had legal addresses in the central office in Minsk.

In March PA HRC Viasna published the analysis of the campaign on election of deputies to local Soviets. This document states that the Belarusian authorities showed no sign of the intention to change either the Belarusian election legislation to make it more democratic or the existing procedures of its application during the election. The regime still ignored the recommen¬dations, worked out by ODIHR OSCE and ACEEEO, as well as the proposals on amendments to the election legislation, made by non-governmental organizations and democratic political parties.

The practice of usage of the acting electoral legislation and the violations at all stages of the electoral process, registered during its monitoring,

- absence of precisely described procedures of keeping ballot papers and ballot boxes;
- insufficient security provided for ballot boxes and ballots;
- representatives of political parties and non-governmental organizations were not guaranteed membership in election commissions of all levels;
- the Electoral Code did not define the rights of observers;
- early voting;
- supervision over the election procedures by the administration.

All these flaws made the electoral process non-transparent, uncontrollable by wide sections of civil society, and provided extensive possibilities to manipulate the votes and falsify the election.

The analysis of the election to the local Deputy Soviet of the 24th Convocation was made on the basis of the information, received by regional branches of the Public association Human Rights Center Viasna during the monitoring of all stages of the electoral campaign including the early voting as well as the information of the Central Electoral Commission and the publications that appeared in the state press. PA HRC Viasna states that the election to local Deputy Soviets of the 24th Convocation didn't correspond to the principles of democracy and transparency of the electoral process.

In July Siarhei Skrabets and Valery Fralow, the members of the deputy group "Respublika", established at the Chamber of Representatives, used their right of Parliamentarians and passed a collective appeal of 180 Belarusian citizens to the Constitutional Court. These 180 people were observers at the spring election. They turn attention of the court to two articles of the Electoral Code: #34 – about extended participation of political parties and public associations in the election. And #13 – about true information of Belarusian citizens about the election results. According to the current legislation, the electoral commissions are formed by four entities: political parties, public organizations, working collectives and citizens. The analysis of the commissions in Minsk, Brest and Mahilow showed that even in the biggest cities the percent of representatives from parties was fewer than 0,1%, public organizations had 2%. About 98% were representatives of working collectives. As regards observers, they were in fact deprived of the possibility to watch the electoral process, only the right to be present was preserved. Though the Chamber of Representatives can directly introduce changes to the Electoral Code, Uladzimir Ramanowski, one of the signatories, says it is difficult to deal without the Constitutional Court. The legal term for the court answer in this case is 30 days.

FACTS OF VIOLENT OR INHUMANE TREATMENT OF PARTICIPANTS OF MASS ACTIONS OF PROTEST, DETAINEES AND PRISONERS

On 26 March Anton Kishkurna, son of Uladzimir Kishkurna, detained at the action of 25 March, was detained and beaten near the building of Minsk Savetski Borough Court when he came to the trial over his father. The police took Anton Kishkurna to Minsk Savetskaye BBIA and drew up a report accusing the detainee of violating Article #166 of the Code of Administrative Violations of the Republic of Belarus – non-compliance with the legal demands of the police. Later on Anton's advocate Siarhei Tsurko came to the BBIA. As a result, a medical examination held revealed that the policemen had broken the detainee's arm.

In the beginning of April the coordinators of Charter'97 Andrei Sannikaw, Ludmila Hraznova and Zmitser Bandarenka addressed Minsk OSCE office with an official letter to Eberhardt Heiken: Dear Mr. Heiken!

We, activists of the public initiative Charter'97, apply to You, asking You to visit the special detention center of the Main Board of Internal Affairs in Minsk City Executive Committee (Minsk, 36 Akrestsin Street) and examine the conditions in this place, where people are kept before trials and when sentenced to administrative arrest under the Code of Administrative Violations of the Republic of Belarus. To our mind, the conditions of this detention center are much worse than those in prisons and penitentiary facilities of Belarus. The people who are punished for administrative offences appear to have fewer rights that the ones sentenced to jail for felonies. Since Lukashenka came to power thousands of opposition activists have served their sentences there for participation in mass protest actions. At the same time we observe a dangerous tendency – the number of convicted individuals who disagree with Lukashenka's policies is growing. Lukashenka's recent statements about the strengthening of ideological work in the country demonstrate the repression will increase. The OSCE office in Minsk is an important factor that doesn't allow the authorities to initiate wide-scale persecution campaign against opposition-minded people. Our experience shows that the authorities have to react to independent monitoring of the situation of human rights and liberties, elucidation of human rights violations and attention of authoritative international organizations. We ask you, Mr. Heiken, to pass the information about the conditions in which prisoners are kept to the appropriate OSCE bodies and contact the Belarusian authorities over the issue of improving those conditions. This can really help the people who are imprisoned for disagreement with Lukashenka's regime in the conditions that can't be called

anything except for BLACK HOLE. At present about 10 people who need help, support and solidarity are kept there. Here's the list of the most terrible violations at the detention center:

1. Detainees pending trial and the administratively condemned aren't told about their rights. Information on their rights cannot be found anywhere in the cells.

2. Temperature fails to meet any norms: 5-7C degrees. In summer the cells get heated to 30-35C.

3. There's no medical check-up when prisoners first turn up there. Those sick with tuberculosis, pediculosis, scab and mentally sick ones are held in the same room. Drunk people are also placed there despite their aggressiveness and outbursts of uncontrollable conduct.

4. Inmates don't have walks in the fresh air, while the cells have no ventilation system installed.

5. One can't talk on the phone and many prisoners can't even tell their relatives about their whereabouts.

6. The poor light in the cells doesn't let people normally exist there and damages their eyesight.

7. The quality and quantity of food is beyond criticism.

8. They have to sleep on bare wooden planks – the cells have no pillows, blankets or other bedding.

9. There's no radio or TV in the cells. Prisoners are deprived of their watches and pens, having no right for correspondence.

We draw particular attention to the fact that there are built-in cameras in the cells, of which the prisoners aren't warned. Unsanctioned video-taping is carried out around the clock, even in cells, where females are held. The duty guards in charge of the video cameras are all males.

On 13 May Savetski Borough Court of Minsk passed the decision in the administrative case of Anton Kishkurna, son of the head of Minsk City Board of Belarusian People's Front. Anton was found guilty of insubordination to police (Art. 166 of the Code of Administrative Violations) and fined 140,000 BYR (about $70). The police detained Anton on 26 April near the building of Savetski Borough Court during the trial over his

father. His father was one of the organizers of celebration of the Freedom Day in Minsk. Anton was sitting in his father's car, when police officers dragged him out of the car, battered his face and broke his right arm. According to the police officers, Anton Kishkurna refused to show them his documents. Anton spent several days in hospital, where he underwent an operation. He had his arm in plaster for about a month. Advocate Siarhei Tsurko, who appeared for him in court, said they were going to appeal against the court decision and insist on criminal charges against deputy head of Savetski borough police Yawhen Hurankow for inflicting severe bodily injury.

On 29 May the prosecutor's office refused to charge Colonel Yawhen Hurankow who had beaten Anton Kishkurna. There were hopes that the prosecutor's office would investigate the case and bring criminal charges against Hurankow, charging him with abusing his official position. However, a forensic medical expert had the final word in the case – in his conclusion he wrote Anton had had his arm fractured … 7 months ago! Such an opinion might be the result of the recent changes in the system, when last year the forensic examination expert board became subordinate to the prosecutor's office. Anton Kishkurna planned to file a complaint with the city prosecutor's office.

On 9 September the activist of the unregistered organization Young Front Alaksei Labadzinski applied to the public association Human Rights Center Viasna and wrote the following statement". "On 8 September 2003 I was detained by the police at a bus stop near the railway station. When the policemen asked me to show my documents, I answered in Belarusian. "Let's go to the police station, Belarusian sonny", — answered one of them. There they searched my belongings and found the Young Front business card. The policemen began to mock at me, took a bottle of glue from my bag and sluiced it on me with the words "It's hard to live in Belarus!". When I asked one of them to tell me his surname, he hit me in ribs and said "If you know much, you'll be quiet by the morning!". Then they led me to their car and threw out of it, kicking with their feet and swearing. The last phrase: "Frankly, we are waiting for some meeting to beat you in the head". When they talked to one another, I heard the surname of one of them – Siarhei Mlynarchyk, sergeant-major." The victim intends to appeal against such police actions to the prosecutor's office.

On 1 October the police violently detained Anatol Shumchanka, head of market vendors association, near the building of Minsk Economic Court. Women, members of the association, tried to defend its leader. The police started a real fight, severely beating some of the women. On 2 October the women filed an appeal with Leninski Borough Prosecutor's Office, complaining about the actions of policemen in civil clothes. Alena Zhykharava, one of the police victims, wrote in her complaint: "On 1 October 2003, about

10 a.m., near the building of Minsk City Economic Court, I was attacked by 2 strangers in civil clothes. These people were trying to detain my colleague Shumchanka. The people had no badges which would help identify them as policemen. I asked them to identify themselves and explain why they had attacked Shumchanka and were trying to detain him. When they heard my questions, one of them hit me on the back and twisted my right arm. He gripped onto my jacket and threw down onto the sidewalk. I fell down receiving numerous injuries and had my leg dislocated. I tried to get up, but the people who had attacked me, twisted my arm again and threw me back down onto the sidewalk. There were unfenced construction works in this part of the road, with trenches and pieces of broken asphalt all around. When falling down I received numerous traumas on my back again. The same people beat other women standing nearby. The attackers caused me to suffer both physically and morally. They also damaged my personal belongings. I have a video-tape with the attack recorded "Basing on the aforesaid and being guided by Article #168 of the Criminal Process Code of Belarus I ask: 1) to conduct a check-up on this complaint; 2) to give me the appointment for medical examination of my traumas; 3) to give a legal evaluation of the actions of the persons who conducted the detention of Shumchanka and beating of the women; 4) to bring a criminal case on this fact."

THE PROBLEM OF SAVING OF THE PLACES OF MASS EXECUTIONS OF STALIN'S REPRESSION VICTIMS

On 7 January in Kurapaty there was a holiday meeting attended by several dozens of people. Despite the bad weather – 25 degrees below zero – from the very morning the people were coming to the place. They were making and putting up new crosses in place of those broken by "unidentified" vandals. The blasphemy was committed prior to Christmas, that's why it was decided to make new crosses on this day. Just like last winter volunteers made a fire. Around the fire gathered Vasil Parfiankow, Aleh Hnedchyk, Ludmila Paklonskaya, Uladzimir Sas, Valantsin Baranaw and other participants taking part in the long-lasting vigil.

On 28 February the decision to invest into construction of "Sonechny" suburb was taken. On 15 March the preparation works started. In May the authorities planned to start the full-scale construction in order to complete cottages by the end of the year. Land surveyors in Kurapaty area were noticed by Young Front and Belarusian Freedom Party activists, who regularly visit the site. These organizations made a statement condemning the construction: "We address the construction organizers with the demand to stop geodesic and engineering activities near Kurapaty. To cover, to "build up" the memory of repression is to take part in a crime!" At present Young Front and Belarusian Freedom Party plan to renew the watch in Kurapaty, as it was during the building of the Ring Road. Let us remind you that then the guard volunteers spent 250 days there. Iryna Zhykhar, a Civil Initiative activist, did not exclude that in case the construction of the cottage suburb starts in the near future, the Initiative activists would picket the offices of the building companies.

On 7 August 215 representatives of democratic public and political organizations of Belarus addressed Alexander Lukashenka with an open letter, demanding commemoration of the Communist terror victims, murdered in Kurapaty. The letter says: "Kurapaty is a symbol of genocide of the Belarusian people during Stalin's rule and the proper commemoration of the innocent victims of the Bolshevik terror in Belarus is absolutely important from the point of view of the people's traditions and the common human moral. Absence of a monument to victims of communist and fascist dictatorship is blasphemy, a peculiar form of vandalism… That's why the progressive part of society has been demanding already for 15 years from the national authorities including You, Alexander Ryhoravich, to solve this problem in a civilized way, at least by simple guarding of Kurapaty…" The coordination committee "Hrodna Initiative" initiated the appeal. 215 representatives of public organizations, workers of large enterprises from Hrodna,

Mahilow, Brest, Homel, Vitsebsk, Minsk, Shchuchyn, Slonim, Svislach, Vawkavysk and other Belarusian cities. Collection of signatures started several months ago, when cottage estate "Sonechny" was announced to be built near Kurapaty.

In the evening of 1 November the action of commemoration of the Belarusians who fell victim to the totalitarian regimes of the 20th century was held in Kastrychnitskaya Square in Minsk. Activists of Young Front, Belarusian Freedom Party and other public organizations joined the silent chain. The action took place within the framework of the traditional day of commemoration of ancestors Dziady. The pickets were standing with candles along Frantsysk Skaryna Avenue for more than half and hour and commemorated the Belarusian citizens who had been killed by communists and Nazis while defending the independence of their country. The action in Kastrychnitskaya Square wasn't authorized, but the police didn't interfere.

On 2 November Vitsebsk police detained Yan Dziazhawtsaw, Tamara Mamchyts, Ihar Matsveyew, Alexander Pazniak, Uladzimir Pleshchanka, Alexander Salawyan and Aleh Yemialyanaw and when they were carrying a self-made cross to set it on Uspenskaya hill in the memory of the victims of Stalin's repressions fusilladed there. Before that the members of the Christian Democratic Party BPF put up two crosses in the places of mass executions. However, in two hours people in plain clothes broke the crosses, tore off the memorial shields and trampled flowers and candles near them.

On 2 November in Minsk the traditional action «Dziady» to commemorate ancestors was held in Minsk. The fifteenth procession went to Kurapaty, the place of mass executions of the communist regime victims. Memory crosses were set there and a small meeting took place. The police watched the situation, but didn't interfere.

On 12 November five activists of Vitsebsk Conservative Christian Party BPF (Yan Dziazhawtsaw, Tamara Mamchyts, Ihar Matsveyew, Alexander Pazniak and Aleh Yemialyanaw) received court warnings for participation in an unauthorized public action. This decision was taken by Judge Halina Zubrytskaya. She considered the cases against the opposition activists, detained by the police for setting crosses in the place of mass fusillades of victims of Stalin's repressions. None of the participants of the actions took the blame. On the contrary, all of them pointed out that the trial was conducted with evident violations of the process norms by Judge.

On 17 November Kastrychnitski Borough Court of Vitsebsk finished trials over Dziady action participants. Activists of Christian Conservative Party were detained on November 2 during celebration of Dziady – the Day of Ancestors' Commemoration. Alexander

Salawyan, who set crosses in the places of mass executions of Stalin repression victims, was officially warned. Judge Maryna Marozava recognized Uladzimir Pleshchanka organizer of the unauthorized action and fined him 2.5 million BYR (about 1200 USD).

FACTS OF LIMITATION OF THE RIGHTS OF CITIZENS TO DEFEND THEIR RIGHTS IN COURT, PRESSURIZATION OF HUMAN RIGHTS ACTIVISTS AND ORGANIZATIONS

On 15 April Presidential Decree #13 "On Certain Issues of Civil Judicial Proceedings" was signed. Justice Minister Viktar Halavanaw claimed non-governmental organizations were not able to render competent legal assistance in courts. Although being not ready to list concrete cases of low-quality assistance, ever rendered by non-governmental organizations, he insists on only qualified attorneys appearing in courts... According to Decree #13 "On Certain Issues of Civil Judicial Proceedings", interests of physical and legal persons may be represented only by attorneys and commissioners of non-governmental organizations, if the law gives them such a right. The Law gives such a right only to trade unions (which can represent their members, as well as other workers), and to the Consumers' Society. Belarusian human rights organizations are stripped of the right to represent citizens in court. Viktar Halavanaw, Minister of Justice, believes only a qualified attorney can render competent assistance in courts: "I stand for the right of every citizen to have qualified legal assistance. Attorneys, as an independent legal institution, are the most competent to render qualified assistance. Regarding human rights organizations of different kinds, I think, their level is not high enough to render such assistance. Only participants of legal proceedings are needed in courts: a judge, lawyers for defense and prosecution, that's it. All other representatives are just for the sake of appearances. We don't have concrete examples of incompetent, low-quality assistance. But we all know that some organizations are engaged in politics. What is important is citizens need competent legal assistance". The Justice Minister claims the institution of attorneys is completely independent from all state bodies and obeys only the law.

On 28 April Barys Bukhel, Viasna lawyer from Mahilow, was not allowed to represent a citizen in court (the hearing was a labor suit). The lawyer was told: "We know that you are from Viasna". Although in this case Barys Bukhel did not act on behalf of Viasna, but as an individual. Let us remind you that the institution of representation was not cancelled in Belarus, this is the right guaranteed by the Belarusian Constitution and the Code of Civil Procedures.

On 27 May Leninski Borough Court of Hrodna Judge A. Prakopik did not allow Uladzimir Labkovich and Yury Chavusaw to represent Alexander Milinkevich in court. Milinkevich, head of Hrodna regional NGO Ratusha, is charged with administrative

offence. The Judge referred to the presidential Decree #13, which limits the right of members of human rights organizations to represent citizens in court.

On 26 August Polatsak City Court considered the case against Valery Shchukin, well-known human rights activist and journalist. He is charged with violation of Article 156 of the Code of Administrative Violations, (disorderly conduct). According to a recent court decision, on 29 July V. Shchukin was evicted from the room of a Polatsak dormitory. Now he has to spend nights in the waiting room of Polatsak railway station. That's why the duty policemen drew up a report of disorderly conduct, as he slept in the waiting room, with his legs on a bench. During the trial the defendant requested from the police to show him a normative act that qualified rest on a bench as disorderly conduct. The police failed to find such a provision in the railway Statute.

On 29 August Judge of Polatsak City Court Natalia Abramava pro¬nounced the verdict in the case against Valery Shchukin. Having considered the documents he filed and having listened to the witnesses, the Judge issued an oral warning to him. As it was said in the verdict, the court took into consideration the insignificance of the violation and the old age of the defendant. Being asked where he intended to spend the following night, the human rights activist said that he would go to the railway station again as he had no apartment to live in.

On 22 September it became known that Canadian human rights organization Human Rights Internet decided its activist Derek Martin would not come to Belarus for an internship. Derek Martin planned to work in Belarusian Helsinki Committee for 6 months. But Canadian Department of Internal Affairs having researched the possibility for such a trip decided it might be too risky. Belarusian Helsinki Committee believes this decision might be connected to the recent deportation of German citizen Jan Busch, partner of Belarusian youth political organizations. Another reason might be persecution of non-governmental organization, including human rights NGOs, in Belarus.

On 28 September Zmitser Sialuk went out in Lenin Square of Vitsebsk with the poster "I'm in Danger". He stated that he didn't believe that state advocates would defend his interests and started to collect signatures against the limitation of the institute of public defenders at trials. In a matter of minutes he was detained by the police and taken to Kastrychnitskaye BBIA. There he was kept for 1.5 hours and then set free.

At the end of October Belarusian authorities denied entry to the well known Russian defender Sergey Kovalev as a representative of the special PACE commission that investigates the cases of the disappeared Belarusian opposition activists. Christos

Pourgourides, a deputy of Cypress Parliament, will visit Minsk instead of him. More than a year has passed since the special commission on investigation of disappearances of people in Belarus was established by PACE. This commission of European parliamentarians is headed by the deputy of the Russian Duma and well-known human rights defender Sergey Kovalev. For all this time the commission tried to receive the permission of the official Minsk to visit Belarus and find how the official investigation of the cases of Yury Zakharanka, Viktar Hanchar, Anatol Krasowski and Dzmitry Zavadski was going on. The commission intended to come in full, but Belarusian authorities didn't want to meet with any of its members. Finally, at the last PACE session representatives of the official Belarusian delegation promised to accept Kovalev's commission, but fulfilled only a part of their promise. Belarusian authorities didn't invite to Belarus the head of the mission, Sergey Kovalev.

On 27 November Valery Shchukin, famous journalist and member of the 13th parliament was tried in Polatsak. He faced charges of disorderly conduct (Art. 156) and insubordination to legal demands of police officers (Art. 166). Judge Natalia Abramava ruled to impose a fine of 165 000 Belarusian rubles (about 80 USD). On 26 November the police detained Valery Shchukin in the building of Polatsak administration. Shchukin attempted to meet Uladzimir Navumaw, Minister of Internal Affairs, who had open hours for Polatsak residents that day. The police accused him of «making bloodcurdling screams, violent gesticulation, and refusing to carry out demands of the police». Shchukin suggests a different version of the story. Earlier the local TV and Polatski Vestnik newspaper spread the information that on November 26 the Minister of Internal Affairs Navumaw would receive citizens at the city Soviet. Shchukin came to the city police board and applied for a meeting with the Minister. He was the 6th person on the list. Shchukin planned to raise the issue of his registration in the dormitory of Polatsak teachers' college, which he had lost recently. However, when on 26 November he came to the city Soviet, he was informed his name was not on the list of 13 people who would be received by the Minister. Shchukin managed to get to the doors of the room. It was very crowded in the corridor. Some top police officials stood at the doors. They even promised Shchukin the Minister would receive him, last in line. All of a sudden the police officers started to demand he should leave his coat and bag in the cloakroom. Shchukin did not react. Then the policemen grabbed him and started to drag to the back entrance. Shchukin says the policemen seized him by his sore hand and he really did scream of pain. They dragged Shchukin into a police car and took first to the police station, and then to the court. During the trial the police officers claimed Shchukin had started to scream the moment he saw them. The trial resulted in a fine awarded to Shchukin.

December 11 member of the international secretariat of the human rights organization “Amnesty International” Heather Macgill (Great Britain) didn’t come to Belarus for celebration of the 10th anniversary of Belarusian movement of assistance to “Amnesty International”, because Belarusian Embassy in the UK delayed the issue of visa to Ms. Macgill. Accor¬ding to the leader of Belarusian initiative group Viachaslaw Bortnik, the technical obstacles to the human rights activist who deals with Belarus that didn’t let her attend the anniversary and get acquainted with members of the human rights group can’t be an accident in the light of the policy of Belarusian authorities. The Ministry of Justice has recently rejected registration to the initiative group as an NGO. Members of the initiative group held a meeting on 11 December in Homel. At the meeting it was decided to try registering as a foundation. In 2004 the group also intends to join the campaign on prevention of violence against women, declared by “Amnesty International” for the upcoming year. According to Mr. Bortnik, for the 10 years that have passed since the day when Belarusian movement of assistance to “Amnesty International” had been founded, similar initiative groups appeared in Minsk, Pinsk, Babruisk, Hrodna and other cities of the country.

UN COMMISSION ON HUMAN RIGHTS RESOLUTION 2003/14. SITUATION OF HUMAN RIGHTS IN BELARUS

The Commission on Human Rights, Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments, Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the international obligations they have freely undertaken, Mindful that Belarus is a party to the International Covenant on Civil and Political Rights, the Optional Protocol to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child, Welcoming the reopening of the office of the Organization for Security and Cooperation in Europe in Minsk, Mindful of the requests made to the Government of Belarus by the Working Group on Enforced or Involuntary Disappearances regarding the disappearance of the former Minister of Internal Affairs, Yury Zakharenko, Noting the concluding observations of the Committee against Torture on the third periodic report of Belarus (A/56/44, paras. 40-46) adopted in November 2000 and the recommendations contained in the report of the Special Rapporteur on the independence of judges and lawyers on his mission to Belarus (E/CN.4/2001/65/Add.1), as well as the lack of progress of the Government of Belarus in addressing the noted shortfalls,

1. Expresses deep concern:

(a) At reports from credible sources, including statements of former investigators and senior law enforcement officials of the Government of Belarus, implicating senior government officials of the Government of Belarus in the forced disappearance and/or summary execution of three political opponents of the incumbent authorities and of a journalist;

(b) About reports of arbitrary arrest and detention;

(c) About persistent reports of harassment of non-governmental organizations, opposition political parties and individuals engaged in opposition activities and independent media;

(d) About reports of potential increased restrictions on the activities of religious organizations;

2. Urges the Government of Belarus:

(a) To dismiss or suspend from their duties law enforcement officers implicated in forced disappearances and/or summary executions, pending an impartial, credible and full investigation of those cases;

(b) To ensure that all necessary measures are taken to investigate fully and impartially all cases of forced disappearance, summary execution and torture and that perpetrators are brought to justice before an independent tribunal and, if found guilty, punished in a manner consistent with the international human rights obligations of Belarus;

(c) To bring the actions of its police and security forces into conformity with its obligations under the International Covenant on Civil and Political Rights as well as other relevant international standards;

(d) To establish independence of the judiciary and end impunity for persons responsible for killing or injuring individuals;

(e) To release journalists and other individuals detained for politically motivated reasons and to cease harassment of non-governmental organizations and political parties;

3. Also urges the Government of Belarus to cooperate fully with all the mechanisms of the Commission on Human Rights, including through extending invitations to the Special Rapporteur on torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on freedom of opinion and expression, the Special Representative of the Secretary-General on human rights defenders, as well as the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances;

4. Decides to examine this question at its sixtieth session, under the same agenda item.

54th meeting

17 April 2003

DISAPPEARED PERSONS IN BELARUS INTRODUCTORY. MEMORANDUM COMMITTEE ON LEGAL AFFAIRS AND HUMAN RIGHTS RAPPORTEUR: MR CHRISTOS POURGOURIDES

INTRODUCTORY MEMORANDUM COMMITTEE ON LEGAL AFFAIRS AND HUMAN RIGHTS RAPPORTEUR: MR CHRISTOS POURGOURIDES, CYPRUS, GROUP OF THE EUROPEAN PEOPLE'S PARTY

A. INTRODUCTION

• The Assembly has been concerned for over two years by the disap¬pearances of Yuri Zakharenko, former Minister of the Interior (disappeared on 7 May 1999), Victor Gonchar, former Vice-President of the Parliament of Belarus (disappeared on 16 September 1999), Anatoly Krasovski, busines¬sman (disappeared with Mr Gonchar), and Dmitri Zavadski, cameraman for the Russian TV channel ORT (disappeared on 7 July 2000). Allegations made in public were brought to the attention of the Committee on Legal Affairs and Human Rights that these disappearances had a political background.

• Consequently, the Committee on Legal Affairs and Human Rights established in September 2002 an Ad Hoc Sub-Committee to clarify the circumstances of disappearances for allegedly political reasons in Belarus. The Ad Hoc Sub-Committee, chaired by S. Kovalev, has heard statements in January 2003 in Strasbourg by family members of the disappeared persons and by Mr Alkayev, former head of the Minsk SIZO-1 prison who has obtained political asylum in Germany. It has also taken note of a report dated 20 January 2003 addressed to the families of Gonchar and Krasovski by Mr Chuma¬chenko, Senior Investigator of the Minsk Public Prosecution Service, and of a reply by Prosecutor General Sheyman to Mr Frolov, Head of the "Respublica" group in the Belarusian parliament. The Belarusian authorities turned down several requests of the Ad Hoc Sub-Committee to hold a meeting in Minsk with a view to hearing other persons that may have information on the fate of the missing persons.

• In parallel, the Committee on Legal Affairs and Human Rights, at its meeting on

5 June 2003, appointed me as Rapporteur on the same issue. After some hesitations on the Belarusian side , I was invited to visit Minsk from 5-8 November 2003. I should like to thank Mr Konoplev, Vice-President of the Belarusian Chamber of Representatives, for his valuable help in arranging this visit and the hospitality he has shown during my stay in Minsk.

Mr Konoplev explained to me that it was outside his competence to arrange meetings with all the persons that I had asked to meet . He informed me in Minsk that I should address my request to meet the other persons mentioned in my letter in writing to the Minister of the Interior, Mr Naumov, and the Prosecutor General, Mr Sheyman, respectively. Such meetings could then be arranged on the occasion of my second visit to Minsk in early December, as Rapporteur for the Committee on Political Affairs on the freedom of the press.

• As I explained to my interlocutors in Minsk, my mission was not to conduct myself a fully-fledged criminal investigation into these disappearances with a view to identifying those responsible. The purpose of my visit was merely to examine in a completely unbiased way whether a proper investigation of the disappearances has been conducted by the competent Belarusian authorities.

• Unfortunately, despite having followed in every detail the procedural advice I had been given, all my meeting requests for 3 December were turned down, and the Secretary of our Committee, whom I had asked to join me in Minsk for that day, was refused his visa. I should like to inform you that the reason Mr Konoplev gave me in a closed meeting was that the Belarusian side had managed to procure for itself a copy of the first draft of this Memorandum and that the President himself had been upset by its contents. I strongly protested against such unacceptable and unethical behaviour and expressed my regrets to Mr Konoplev that his Government would not avail itself of the opportunity, through the additional interviews with Belarusian officials I had proposed, to present in more detail the Government's version of events.

• The nature of the Belarusian regime, as illustrated by this episode, is an important factor also in assessing the facts at issue. Belarus is a former Soviet Republic in which fundamental democratic reforms have not yet taken place. The system of Government is highly centralised, and all the powers of the Executive are directly or indirectly controlled by the President. The vertical decision-making structures are based on the constant supervision of the citizens by a powerful security apparatus which obviously has state of the art means at its disposal and no qualms over using them. The credibility of the official "version" that such high-profile political personalities have simply "disappeared", with the Government unable to determine their whereabouts, must also be seen against this general background.

• I should like to stress that this introductory memorandum is based on the information that is in my possession as of now. While I have already given the Belarusian authorities ample opportunity to present their version of the events, I should like, in all

openness, to transmit this memorandum to Minsk. Provided the Committee agrees, I would invite the authorities to comment on any points they do not agree with, and present any new information that may justify changing the conclusions that I hope to be able to present in the final report early next year.

B. PRELIMINARY CONCLUSIONS

• For now, I have come to the preliminary conclusion that a proper investigation of the disappearances has not been carried out by the competent Belarusian authorities. On the contrary, the interviews I conducted in Minsk, in conjunction with Mr Alkayev's deposition before the Ad hoc Sub-Committee and the documents or copies thereof that are in my possession, have led me to believe that steps were taken at the highest level of the State actively to cover up the true background of the disappearances, and to suspect that senior officials of the State may themselves be involved in these disappearances.

• I am fully aware that these are serious allegations, and I shall present hereafter a summary of the elements in my possession that have lead me to these preliminary conclusions , and finally, the consequences which I propose the Assembly may draw from these conclusions.

C. BASIS FOR MY CONCLUSIONS

10. My preliminary conclusions are based on information relating in particular to the following issues and the serious contradictions and, in some cases, outright lies that became apparent on analysing this information and confronting my interlocutors in Minsk with it:

(1) the official execution pistol, which was signed out of SIZO-1 prison on two occasions, coinciding with the disappearances of Zakharenko, Gonchar and Krasovski;

(2) witness statements and material evidence regarding the scene of the abduction of Gonchar and Krasovski;

(3) the handwritten accusation by Police General Lapatik dated 21 November 2000;

(4) the arrest and rapid liberation of Colonel Pavlichenko in November 2000;

(5) the alleged letter from former Prosecutor General O. Bozhelko to his Russian counterpart asking for specialised equipment;

(6) other details of former Prosecutor General Bozhelko's story as told by Mr Leonovю

(7) personnel changes at the highest level of the power organs in November 2000;

(8) the secret trial of the "Ignatovich gang".

11. Before presenting these issues, I should like to point out that my official interlocutors in Minsk had obviously agreed on a common position beforehand. All three pointed out that the Belarusian special services had enough weapons at their disposal enabling them to carry out any operations without borrowing the official execution gun from Mr Alkayev. All three (along with Foreign Affairs Minister Martinov) also stressed that a high number of persons (several hundreds) disappeared each year in Belarus, some of whom turned up again sooner or later (incl. Mrs Vinnikova, the former head of the Central Bank, who the opposition had alleged had been "disappeared" for political reasons until she re-surfaced in London).

1. The official execution pistol

12. The "version" presented by the victims' families and their lawyers is that the official PB-9 execution pistol was signed out in accordance with legal procedures as part of an enactment of the "official" execution of a secret death penalty against the three persons seen as "traitors", thus providing a psychological prop for the soldiers employed to commit the acts. At first glance, this version appears far-fetched.

13. But it is now certain (and could easily be proved formally) that the official execution pistol kept by Mr Alkayev, who had been in charge of the unit executing the death penalty in Belarus, was indeed signed out twice by order of the then Minister of the Interior, Mr Sivakov, during periods coinciding with the disappearances of Mr Zakharenko on 7 May 1999 and Mr Gonchar and Mr Krasovski on 16 September 1999.

14. It is also certain that a SOBR (special forces of the Ministry of the Interior) - soldier named Pavlichenko (who drove a red BMW car – such a car was seen at the site of the abduction of Gonchar and Krasovski), had observed one of the executions carried out by Mr Alkayev's group, behaving "suspiciously", according to Mr Alkayev. In November 2000, Mr Alkayev made a detailed deposition before the investigators of the prosecutor's office, and the pistol and logbook were seized as evidence.

15. The authorities cannot provide any alternative explanation for the temporary removals of the pistol. During my visit in Minsk, Mr Sivakov purported to present an explanation for the first signing-out of the pistol, in May 1999, but not for the second, in September 1999. He asserted that the fact that the execution pistol had been signed out at the same time as two of the events linked to the "disappearances" was a pure coincidence.

16. As to the first withdrawal of the pistol in question, Mr Sivakov explained in some detail that the signing-out of the pistol was motivated by a detailed study of the penitentiary system, including the system in place to execute the death penalty that he - as a death penalty sceptic - had asked to be carried out when he took office. He had entrusted this task to Mr Pavlichenko, a promising, highly skilled officer in the special forces of the Ministry of the Interior (SOBR), who had attracted his attention due to his excellent combat records and who was beloved by his soldiers - Mr Pavlichenko was currently Mr Sivakov's deputy as president of a social association of serving and retired special forces soldiers and their families. In reply to my question, Mr Sivakov stated that the study on the workings of the penitentiary system had been presented only orally, in view of the sensitive nature of the matters involved. Mr Sivakov confirmed that the study in question involved signing the pistol out of the SIZO-1 prison, as the above-mentioned study included the question of whether a new gun should be purchased. Currently, there were plans to build a new prison, with a facility for executions, 40 km outside of Minsk. The current practice of shooting convicts in a prison situated right in the centre of Minsk had become unacceptable. Mr Sivakov stressed that all his decisions had been related to the question of the introduction of a death penalty moratorium, as recently demanded by the Belarusian parliament.

17. In reply to my further question why the pistol had been signed out a second time, four months later, he stated that he did not even remember giving orders to this effect. I reminded Mr Sivakov that his Deputy Minister Chvankin had indicated to Prosecutor Chumachenko that the pistol was used for carrying out "special measures but not for shooting training." Following Mr. Chvankin's refusal to provide more specific information on the use of the pistol, Prosecutor Chumachenko had asked the Ministry of the Interior whether operational measures of any kind had been carried out with that weapon, and contented himself with a reply from which he could only conclude that "it is impossible to arrive at a definite conclusion as to whether the weapon issued to V.N. Dik and V.P.Kolesnik was used in operational and search measures carried out by employees of the Ministry of Internal Affairs".

18. I asked Mr Sivakov if he could be more specific. He could not. He merely maintained that the second signing-out must have also had operational, technical reasons.

19. As regards the first signing-out, in May 1999, Mr Sivakov explained in some detail that it was linked to the above-mentioned study on the Belarusian penitentiary system in general and the method of the execution of the death penalty in particular. I

leave it to you to appreciate the credibility of the explanation involving inter alia a comparison with the methods used for the execution of capital punishment in other European countries (sic), and the assertion that such a wide-ranging study was only conducted orally and was entrusted to a special forces soldier – Mr Pavlichenko - with no relevant qualifications. Mr Sivakov did in the end not exclude that written records on the examination of the pistol may be found, if looked for. But until today, despite my repeated requests to Mr Konoplev and other officials to present me with a written record, none has been submitted, which in my view indicates that none exists.

20. Whatever credit may be given to Mr Sivakov's explanation, it must be stressed that it covers in any event only one instance of signing out the pistol. Most significantly, Mr Sivakov's explanations for the two signings-out have undergone important changes since he was questioned by Prosecutor Chumachenko. In addition, Mr Sivakov's then adjutant, V.P. Kolesnik, who had first admitted to the investigators that on his instructions he had handed the pistol over to Mr Sivakov, had also changed his statement on this important issue later .

21. The fact that the Prosecutor's Office did not insist on clarifying the incomprehensible, and apparently suspicious answer received from Mr Chvankin and the Ministry of the Interior in reply to their requests for information on the precise use made of the gun also shows that the investigation of this crucial point was not conducted with the required vigour.

2. Witness statements and material evidence (paint traces,

car fragments) relating to the scene of the abduction

of Gonchar and Krasovski

22. Prosecutor Chumachenko's report gives a detailed account of statements of witnesses who saw a red BMW car parked near the sauna in front of which Gonchar and Krasovski were abducted, and observed suspicious activity by a number of young men wearing uniforms. Chumachenko also indicates that during the examination of the scene, various car fragments, blood stains and skidmarks were discovered, including signs of a red car having collided with a tree, from which samples of red paint were taken for analysis. Forensic tests on two splinters of wood submitted for analysis "concluded that they contained "ground-in micro-particles of scarlet-coloured acrylic/melamine paint. The paint may be used for a comparative analysis to establish its common type through sample matching. The traces on the wood are the result of a strong impact at speed".

23. I asked Interior Minister Naumov whether an analysis comparing the traces of red paint found on the site of Gonchar's and Krasovski's abduction with Mr Pavlichenko's red BMW had been conducted. He answered that this would have been up to the investigators in the Prosecutor's office. When I put the same question to Prosecutor General Sheyman at my meeting with him later in the day, the Minsk Chief Prosecutor answered in his place saying that the Prosecution had seen no reason to take paint from Pavlichenko's car for a comparative study, as witnesses interrogated in the course of the investigation mentioned no such car, but only Russian-made cars such as Schigulis, Moskviches and so on. In addition, the paint traces found were not red, but cherry-coloured, as was the Jeep belonging to Krasovski.

24. When I confronted Mr Sheyman with the findings of Chumachenko, he offered to provide a "written clarification" by Mr Chumachenko. I recalled that I had asked to meet Chumachenko in person.

25. Given that Colonel Pavlichenko had been named as a suspect not only by the victims' families, but also by the Chief of the Criminal Police in charge of the investigation, General Lapatik, I consider the failure to match the paint as a clear effort of collusion and cover-up. This simple investigative act, and some others listed in a request addressed to the prosecution by the families' lawyers that had been turned down explicitly, might have placed Mr Pavlichenko's car at the scene of the abduction and constituted an extremely important link in the circumstantial evidence against him.

3. The handwritten accusation by Police General Lapatik

of 21 November 2000

26. The Chief of the Criminal Police of Belarus, General Lapatik, addressed a handwritten note dated 21 November 2000 to the Minister of the Interior, Naumov. In this note, he accused V. Sheyman (at the time Secretary of the Belarusian Security Council, currently Prosecutor General) of having ordered the former Minister of the Interior, Y. Zakharenko, to be physically annihilated. This order was allegedly carried out by SOBR commander Pavlichenko with the assistance of the then Minister of the Interior, Sivakov, who had provided Pavlichenko with the PB-9 pistol temporarily removed from SIZO-1 prison. The same weapon, General Lapatik concluded, was used on 16 September 1999, when Gonchar and Krasovski went missing.

27. After this handwritten note (complete with a handwritten visa/instruction by Interior Minister Naumov asking General Lapatik to "implement") was leaked, it was denounced as a fake by the authorities . Only after I had pointed out the possibility of

performing a graphological examination, even on the basis of the photocopy that we had in our possession, the genuineness of the leaked note was admitted: during my visit in Minsk, both Interior Minister Naumov, the addressee of Lapatik's note, and Prosecutor General Sheyman confirmed, quite to my surprise, that the handwritten note in question was indeed written by General Lapatik and visa'ed by Minister Naumov. Mr Naumov and Mr Sheyman now say that Mr Lapatik's findings were simply erroneous, and that there were other "versions" of this note which were more serious. Those who had leaked this document, and a number of others, from the official case file, had made a biased selection to support one "version" that would discredit the President, as part of the opposition's electoral campaign. Please note that although I said that I had seen no other "version" of Mr Lapatik's note than the one that had been made public, no other versions have been presented to me to date.

28. I asked both Mr Naumov and Mr Sheyman what they had done to follow up on the allegations made by Police General Lapatik.

29. Mr Naumov said that he had passed the note on to the investigators of the prosecutor's office, for further investigation. It was thus Mr Sheyman who was in charge of investigating accusations made by the chief of police that he himself had ordered several political murders whilst in his previous function.

30. Mr Sheyman stated that the information presented in the note had been "subjected to scrutinising investigation", but, despite my questions, did not give any detail as to any particular investigative measures taken.

31. I regard the unsubstantiated allegation that a thorough investigation had been carried out as completely untenable in view of the fact that even the comparison of the red paint found on the scene of the crime with that of the red car driven by the suspect named in General Lapatik's note was not done.

32. Given that both the Minister of the Interior and the General Prosecutor had come to the conclusion that General Lapatik's accusations were unfounded, I asked what legal or disciplinary action had been taken against General Lapatik.

33. I was told – in similar terms by Mr Naumov and Mr Sheyman – that no harsh measures were taken against General Lapatik for essentially humanitarian reasons, as he had fallen seriously ill in early 2001 and was forced to retire four months before his normal term.

34. Frankly, I do not believe that "humanitarian reasons" would stop the authorities of any country that I can think of from imposing disciplinary sanctions on, or prosecuting

for defamation, a high state official who accuses senior representatives of the state of having ordered the murder by special forces of three important opposition figures, and who does not go back on his allegations even after they are made public, all the while refusing to disclose his sources, even to his Minister, and refusing to testify, even under subpoena. The authorities clearly preferred to avoid a public trial where evidence would have to be taken and witnesses would have to be heard.

35. I therefore consider the very existence of General Lapatik's report, its content, and especially the way it has been "investigated", as powerful support for my above Preliminary Conclusions. In view of the prevailing presidential system and the way the country is generally run, I also find it hard to believe that the above could have taken place without the knowledge of the President. I feel comforted in my view by the President's statements cited in Mrs Gonchar's and Mrs Krasovski's appeal to Mr Latypov, Head of the Presidential Administration, Mr Nevyglas, Secretary of the Security Council, and Mr Erin, Chair of the Committee for State Security.

4. The arrest and rapid liberation of Colonel Pavlichenko

in November 2000

36. Mr Pavlichenko was arrested on 22 November 2000, i.e. one day after General Lapatik's accusations were brought to the attention of Interior Minister Naumov. The arrest warrant signed by the then Chief of the Belarusian KGB, Matskevich and sanctioned by the then Prosecutor General, Bozhelko , reads as follows:

37. "The materials of the operational investigation contain trustworthy data confirming that Dmitry Vasiliyevich Pavlichenko is the organiser and head of a criminal body engaged in abduction and physical elimination of people. In particular, the criminal group headed by D.V. Pavlichenko was involved in assassinating G. V. Samoylov, the leader of the RNE, Belarusian unregistered regional organisation, as well as in murdering other individuals. Taking into consideration the fact that D.V. Pavlichenko and his criminal group may commit further crimes of particular violence, […], decided [to apply a preventive detention for 30 days]."

38. Despite the period of detention indicated in the warrant, Mr Pavlichenko was freed in the following days . In a letter of November 2002 to Mr V.D. Frolov, member of the House of Representatives of Belarus, who had asked for information on the disappearances, Prosecutor General Sheyman specified that Mr Pavlichenko had been arrested on suspicion of having committed acts of violence against A.V. Grachev in a criminal case before the Republican Prosecutor's Office. On the next day, Pavlichenko

had been released "on the instruction of senior KGB officers on the ground that the detention was unlawful", as I was told by Mr Sheyman and as stated in the above-mentioned letter by the Prosecutor General to Mr V.D. Frolov to which I will again refer below. Mr Sheyman thus gave false information to Mr Frolov, because Mr Pavlichenko was not arrested on the ground indicated by him, but for the alleged murder of Mr Samoylov, and other murders.

39. The families of the disappeared and their lawyers, as well as Mr Alkayev, claim that KGB Chief Matskevich had ordered the arrest in the framework of the investigation into the four "disappearances", the arrest warrant being based on other accusations in order to facilitate the arrest.

40. The former Minister of Agriculture, Leonov , whom I met in Minsk, said that President Lukashenko himself had violently criticised the KGB for arresting Pavlichenko. This allegation seems to be credible in view of the fact that Pavlichenko was released from custody shortly after his arrest, despite the fact that he had been arrested on the basis of a warrant signed by the head of the KGB and sanctioned by the Prosecutor General. Who, I wonder, had the power to release him from arrest for a series of murders?

Mr Leonov also confirmed to me that then Prosecutor General Bozhelko had told him personally that he also shared Lapatik's and Matskevich's point of view. The families of the disappeared allege that during his detention, Pavlichenko confessed to the murders of the "disappeared" and their background and that his confession was computer-taped by the KGB. I have asked the authorities for transcripts of Pavlichenko's interrogation during his custody.

41. While there is still some uncertainty on this issue, as long as I have not seen the transcript of Mr Pavlichenko's interrogation, and Mr Bozhelko and Mr Matskevich remain silent, I must admit that I am taken aback by the undisputed fact that the trusted, promising career officer described to me in the warmest terms by the former Minister of the Interior, Sivakov, had been arrested on the order of the Chief of the KGB and of the Prosecutor General as suspected "organiser and head of a criminal body engaged in abduction and physical elimination of people".

42. The fact that the Prosecutor General wrote to a Parliamentarian giving false information is another clear indication of a cover-up. In addition, given that the arrest warrant, signed by the Chief of the KGB (and sanctioned by the then Prosecutor General) was issued for one month, how could mere "senior KGB officials", as Sheyman wrote to Frolov, release him after 24 hours? What could have possibly been the investigative

measures, carried out in these 24 hours, that proved Pavlichenko's innocence?

5. The alleged letter from former Prosecutor General O. Bozhelko

to his Russian counterpart asking for specialised equipment

43. I was told by lawyers of the disappeared, and by Mr Leonov that former Prosecutor General Bozhelko had come to similar conclusions to those of Police General Lapatik. On 21 November 2000, he had allegedly written to his Russian counterpart, Prosecutor General V. Ustinov, to request the use of special equipment and experienced staff to locate buried bodies. This request was – again, allegedly – cancelled by another letter dated 27 November 2000, the day of the dismissal of O. Bozhelko and of V. Matskevich, the chief of the Belarusian KGB.

44. Prosecutor General Sheyman, Mr Bozhelko's successor, in reply to my question flatly denied that such letters existed. The Deputy General Prosecutor specified that there was no official record of such a letter in the case file. But he could not exclude that "privately", such a letter may have been sent by Bozhelko's office.

45. It would clearly be interesting to know if such a letter was indeed sent , as it would make sense only if the approximate location of the buried body or bodies was already known to investigators.

6. Other details of former Prosecutor General Bozhelko's story

as told by Mr Leonov

46. Mr Leonov further told me in Minsk that Mr Bozhelko, who still lived in Minsk but did not answer any telephone calls, had informed him personally, in front of other witnesses, including the well-known Russian journalist Pavel Sheremet, that the disappearances in question had been orchestrated by Mr Sheyman and carried out by a special unit set up by former Interior Minister Sivakov and led by Colonel Pavlichenko. Bozhelko had also made a reference to the existence of a videotape of Pavlichenko's confession. Mr Leonov told me that during the last election campaign, he had been offered videotapes of Pavlichenko's confession and of the executions, but that he had refused to accept them, thinking that it was a provocation by the special services.

47. During our conversation in Minsk, Mr Leonov also directly accused President Lukashenka of having given the order to Sheyman. He told me that Bozhelko had informed him of a meeting with the President, during which Bozhelko, who was then still Prosecutor General, had heard Police Chief Lapatik ask the President who had given him the right to kill the general (meaning General Zakharenko, the first of the "disappeared"),

following which the President reportedly had not denied the fact but accused those present of undermining his authority and of forcing him to take medicines by persistently upsetting him.

48. According to the families' lawyers, Matskevich and Bozhelko were never even questioned by investigators dealing with the disappearance cases. In my view, this is another very grave omission. Mr Leonov is an interesting "indirect witness", but if these two key persons were to speak out themselves, this would of course be most helpful.

7. Personnel changes at the highest level

of the power organs in November 2000.

49. We were informed by the families' lawyers and by Mr Leonov that on 27 November 2000, Prosecutor General Bozhelko was fired and replaced by Mr Sheyman, former head of the national security council. According to the families' lawyers, Mr Sheyman did not hold a law degree when he was appointed, although the law requires that the Prosecutor General be a lawyer. The President himself, who had been criticised for this appointment, had publicly taken responsibility for it.

50. On the same day, the President of the KGB, General Matskevich was fired. According to Mr Leonov, he had been scolded on Television by President Lukashenka for having arrested Colonel Pavlichenko. Shortly afterwards, the Chief of the Police, General Lapatik, fell seriously ill and ended up taking early retirement on health grounds.

51. The families of the disappeared presume that Bozhelko, Matskevitch and Lapatik were either fired or retired because they had come too close to the truth in the "disappearances" cases. By contrast, a presidential spokesman explained on 27 November that the personnel reshuffle was partially a result of the President's "dissatisfaction that many important [investigation] cases have dragged on for too long without justification" .

52. In my view, while the President's dissatisfaction is quite understan¬dable, the timing of the personnel changes, coinciding very closely with important events related to the disappearance cases (General Lapatik's handwritten accusations, Pavlichenko's arrest ordered by Matskevich and Bozhelko, Alkayev's depositions) gives rise to grave suspicions.

8. The secret trial of the "Ignatovich gang"

53. Beginning on 24 October 2001, four men (V. Ignatovich, M. Malik, A.Gu¬z and S.Savushkin), were tried in camera for the abduction of Mr Zavadski. Mr Axsonchik, the

lawyer representing Zavadsky's mother, petitioned the court to allow the proceedings to be held in open session, which was refused. A number of requests calling for evidence filed by the Zavadski family's lawyers were refused by the court. On 14 March 2002, the four persons were convicted and sentenced to long prison terms for the abduction of Zavadski (but not for murder, as the body had not been found), on the basis, inter alia, of a spade with Zavadski's blood found in Ignatovich's car . The convicted reportedly continue to claim their innocence, calling the trial a farce. Former Prosecutor General Bozhelko, so I was told by one of the family's lawyers, attended the trial as a witness, but he largely refused to testify, on the basis of the provision in the criminal procedure code allowing investigators to protect their sources.

54. This conviction was presented to me in some detail by the Minister of Foreign Affairs, the Minister of the Interior and the Prosecutor General as the partial resolution of the Zavadski case.

55. According to the prosecution, the motive for which Ignatovich and his gang had committed the crime against Zavadski was revenge, because Zavadski had publicly accused Ignatovich of having fought in Chechnya on the side of the rebels.

56. Most of my interlocutors on the families' side maintain that Zavadski's disappearance belongs to the same line of disappearances as those of Zakharenko, Gonchar and Krasovski, i.e. it had a similar political motive: retribution for "treason" against the President, for whom Mr Zavadski had once worked as a personal cameraman, before he began working against the President as a journalist for "hostile" media.

57. In my view, given that the execution pistol had not been signed out around the time of Mr Zavadski's disappearance, it may well be that there is no direct organisational link between this case and the other three . It could also be that the "Ignatovich gang" killed Zavadski to settle Mr Ignatovich's personal account with this journalist, whilst its members, or some of them, may coincidentally have been involved in the alleged secret execution squad in other cases. In any event, the allegation made to support the need for holding the trial in camera – that witnesses would have otherwise been afraid to give evidence – does in my view not hold water: if the witnesses were afraid of the gang, the fact that the trial was held in camera made no difference whatsoever, as the gang members in question were in any case present during the trial.

D. CONSEQUENCES

58. This being only an introductory memorandum, I am not yet proposing any concrete action to be taken by the Assembly. I will be most grateful for any suggestions

that may be made by colleagues during the discussion in Committee, including ones that may require further research into their feasibility.

59. By way of “brainstorming”, I have so far come up with the following possibilities (without making up my mind in any way):

The Asssembly could:

– demand that an independent investigation be launched by the competent Belarusian authorities, after the resignation of the current Prosecutor General who has been accused of having himself orchestrated the disappearances in his previous function;

– demand that criminal investigations be launched by the Belarusian authorities with a view to clarifying

• the alleged involvement of the current Prosecutor General, the currrent Minister of Sports (the previous Minister of the Interior), and a high-ranking officer of the special forces in the disappearances,

• the possible crime of perversion of the course of justice committed by certain other high-ranking officials who have been involved in the investigations carried out so far and who have falsified, dissimulated or suppressed evidence in their possession in order to protect the true perpetrators of the crimes.

– urge the parliament of Belarus to take the necessary action vis-a-vis the Executive to ensure that justice be done, including demanding the resignation of certain high-ranking officials in order to enable a truly independent investigation, and the establishment of a parliamentary committee of inquiry, complete with proper investigatory resources.

– urge the member states of the Council of Europe and the international community at large to exercise a maximum of political pressure on the current leadership of Belarus, including through sanctions, until a credible, independent investigation of the alleged involvement of high-ranking officials in the disappearances or their cover-up has been carried out.

– invite the courts of those countries whose laws foresee the international jurisdiction of their national courts for cases of serious human rights abuses to open proceedings against certain high-ranking Belarusian officials for the alleged murder, for political reasons, of one or more of the four disappeared persons.

ALES BIALATSKI'S SPEECH AT LIQUIDATION TRIAL OF "VIASNA"

Dear Court!

To my mind, there are two levels for evaluation of the suit of the Ministry of Justice. The first of them, factual evaluation, has been given by my colleagues from "Viasna".

I'd like to turn attention to the present relations between the Ministry of Justice and NGOs. Non-governmental organizations have repeatedly proposed dialogue to the Ministry of Justice. They have tried to tie normal contacts, find and solve all controversial issues. In the end of 2002 a number of NGOs submitted an open letter to the Ministry of Justice, expressing their concern with the methods of its work and the very approach to the existence of such organizations. The observed tendencies are almost complete suspension of registration for NGOs, excessively thorough control of their documentation and, as a result, hundreds of warnings for commas, full stops and quotation marks, troubles with registration of juridical addresses for NGOs.

As a result, in the end of 2002 we met with Minister Halavanaw and expressed concern with the fact that the Ministry of Justice slightly turns from a mediator between the authorities and non-governmental organizations into a gendarme, and not a very wise one, whereas the whole world laughs at his commas and full stops. You can't explain it to a foreigner, it doesn't make any difference whether he/she lives in the West or in the East, that "Viasna" was warned for having the first letter in the lower case in the word "Human" on its seal. An ordinary man will ask whether it matters and whether the work of "Viasna" will be more or less effective because of this. Is it such a serious misdeed as to deserve not an oral admonition, but, actually, official punishment of the organization? Existence of such warning, issued by the Ministry of Justice, we have heard it at the trial, is one of the stones tied to the neck of "Viasna" to drown it.

However, after the meeting the situation has become only worse. At least two of the four NGOs that met with Minister, "Legal Assistance to Population" and "Viasna" have already received summons to court. "Legal Assistance to Population", in fact, doesn't exist any more. The list of the active, really working NGOs, liquidated by the Ministry of Justice or regional justice boards, is growing.

Open appeals of several dozens of NGOs to the Ministry of Justice with the urges to stop the brigandage had no effect. Neither helped the round table, held in summer that concerned the relations between NGOs with the Ministry of Justice and other State

bodies. By the way, Ms. Fishkina's chief, Mr. Sukhinin, attended this round table. The organization of Alena Tankachova who was the host of this round table, "Independent Association of Juridical Research", received three black marks, three warnings and actually joined the line of the organizations to be liquidated.

It is not an occasion that activists of NGOs use the term "clearing", known since the first stage of the war between Chechnya and Russia, to characterize such attitude of the Ministry of Justice to NGOs.

Almost 10 years ago the Law about NGOs was adopted to order the relations between NGOs and the authorities. This law was adopted by the authorities for having information about the events, taking place in the third sector, about the organizations existing there and their needs. Now all this is put to dust and ruin by the Ministry of Justice.

As it was during the communist rule, NGOs are closed and driven out to the underground. The authorities view them not as a partner, but as a rival and even an enemy to do away with. The example of "Viasna" here is a classical one.

Dear court, the charges of the Ministry of Justice against "Viasna" are beyond any criticism. For the last two years "Viasna" hasn't received any warnings, so the Civil Code was used against it.

The control bodies read the Statute parts concerning the member fees and regional branches is such a way that I recollect the play "Pinskaya Shlakhta", where a court official "will turn red into white".

They've reminded about two warnings to "Viasna" for its participation in the electoral campaign, but if the authorities were so good and "Viasna" was so bad, why these elections aren't recognized anywhere? Why did it happen, that (here I quote from the report of the OSCE mission on monitoring of the election, that had more than 50 members): "The Presidential election of 2001 didn't meet the OSCE undertakings concerning the democratic nature of the election, formulated in the Copenhagen document of 1990 and the standards of the Council of Europe"?. This very report reads that "at the last stage of the pre-electoral period the Ministry of Justice charged the PA "HRC "Viasna" with violation of the order for nomination of observers. "Viasna" and 7 other NGOs were warned for alleged violations. On 8 September, the eve of the election, at the sitting of the Central Electoral Commission that considered these issues, Head of "Viasna" proposed to correct the mistake by the end of the day, but the proposal was

deflected. As a result the Central Electoral Commission annulled accreditation for about 2 000 of “Viasna” observers.

How can you explain that the Ministry of Justice took the parallel calculation of votes for the questioning after the voting (exit-poll) and made a number of public statements about this, showing its incompetence? Who will warn you for this, dear “specialists”?

According to the Ministry of Justice, one of the reasons to close “Viasna” is violation of the law during elections, but the Ministry pretends not to see that in the recent years we have monitored the elections in Serbia, Sweden, Poland, Estonia, Slovakia, Azerbaijan (this month) and have valuable international experience, were among organizers and supervisors of the election in Kosovo in 2001.

The deprival of accreditation of “Viasna” observers on the eve of the elections shows the will of the authorities to hide the truth from Belarusian citizens and the international community, the truth about mass falsifications and terribly deficient electoral legislations that allows manipulation of the votes.

The Ministry may have received the social order to liquidate “Viasna”, which helps people and tells them the truth, because of the Parliamentary election in 2004 and the possible referendum to change the Constitution with the aim to change the presidency term, or for our periodical monitoring of human rights violations in Belarus, for open criticism towards Belarusian authorities in their relations with the civil society, mass media and the religious confessions the rights of which are violated.

Who ordered to liquidate “Viasna”? You don’t need to answer, Ms. Fishkina, it’s a rhetorical question to which we can answer on our own.

Of course, we feel offended that the Ministry of Justice acts as a blind weapon in the hands of, to put it mild, dishonest people and makes a crime. I am sure that sooner or later we will find out who ordered to close “Viasna”, but it doesn’t exculpate the ministry officials, including the minister and You, Ms. Fishkina.

The authorities pay no attention to the negative international reaction. They, in private, the Ministry of Justice, ignore the resolution of the UNO Committee on human rights, adopted in spring 2003 where the pressurization of Belarusian NGOs is considered; they pay no attention to the resolution of the Council of Europe where the CE countries express the same concern.

Let's take the latest appeals and letters to the Minister of Justice or Lukashenka. For instance, "Amnesty International", one of the best known international human rights organizations is "gravely concerned with the recent closure of a number of NGOs, engaged in support and defense of human rights in Belarus. Liquidation of these NGOs is a violation of the undertakings of Belarus in the sphere of human rights.

Last week the famous Swedish Peace and Arbitration Society, holder of two Nobel peace prizes, applied to the Ministry of Justice with the request to revoke the suit against "Viasna", pointing out that "There are therefore no doubts that the ongoing liquidation suit against Viasna is politically motivated, and part of a large-scale campaign against Non-Governmental Organisations in Belarus. The Human Rights Center Viasna is one of the most important and influential human rights organisations in Belarus. To liquidate Viasna for political reasons would be a fatal mistake, not only in the short run, but also because the civil society sector in general, and human rights organisations in particular, are and always will be a necessary element of any well-functioning country."

The UN Supreme Commissar on human rights and special representative of the UN Secretary General on human rights activists Hina Jilani who watches the state of Belarusian human rights activists and organizations has started acting.

Finally, on 23 October, at the sitting of the OSCE regular assembly the USA Ambassador in OSCE Mr. Stephen Menekes urged Belarusian authorities "to stop the attack on NGOs and let them make their contribution in the development of Belarusian society. Belarus can make the first step by closing the case against "Viasna", — he said. "Belarus isolates itself which serves neither the interests of Belarus, nor interests of any country, the representatives of which gathered at this table". He pointed out that "in 1990 in Copenhagen the participating States fixed the right of individuals to association including the right to create and participate in NGOs that deal with protection of human rights and fundamental liberties. In the Charter of European Defence, adopted at the Istanbul summit in 1999 the participants made a further step by confirming the right to NGOs to "contribute to the development of civil society, respect to human rights and fundamental liberties. The attack on the third sector contradicts to these agreements." That's how foreign diplomats characterize this process (!): attack on the third sector"…

However, the authorities decided to use the notorious Stalin's principle: no man – no problem. They decided: no organization – no problem either… Is it so?

Closure of "Viasna" is not a usual case about liquidation of an organization that violates Belarusian legislation, doesn't work or doesn't execute its statute. We haven't violated the law. We are open and always want to be heard. We have always passed our

hand for cooperation and they put this suit into it. Our case is politically motivated, as well as liquidation of other human rights, youth, regional resource and other NGOs, dozens of them. The most outrageous is that the Ministry of Justice obediently executes the political assassination of public organizations.

When the liquidation suit was filed, it happened according to our expectation. The most active and authoritative organization are closed. By this suit Belarusian authorities noted our active public activity and principled position concerning the situation with human rights in Belarus. Liquidation of “Viasna” is more a problem of authorities than a problem of “Viasna”.

Dear court, it is said enough, but Belarus fasted and faster falls into the abyss of authoritarianism and lawlessness. The suit for liquidation of “Viasna” is one more proof of this. It’s a pity, but the Ministry of Justice, which was to have supported the authority and weight of Belarusian legislation, plays here its unsightly role.

VERDICT IN THE NAME OF THE REPUBLIC OF BELARUS

On 28 October 2003 Kulik V.H., Judge of Supreme Court of Belarus, in presence of the secretary Biralo M.M. and the prosecutor Davidowski I.U., having considered the public case on the suit of the Ministry of Justice of the Republic of Belarus to the Public association «Human Rights Center «Viasna» in the court hall, found that:

In its application the Ministry of Justice pointed out that the Public asso¬ciation «Human Rights Center «Viasna» was registered on 15 June 1999. In 2003, during the check-up of the activity of the association it was found that the founders violated Article No. 13 of the Law «About Public associations», point 3 of the Ruling, adopted by Decree of President of the Republic of Belarus #2 of 26 January 1999, point 2 of the Rules, adopted by order of the Minister of Justice #108 of 15 May 1995. In private, the association presented judicially invalid documents (minutes of the Constitutive assembly of the association founders, minutes of the Constitutive assembly on establishment of Brest branch, the list of the members of the Board of initiators of Vitsebsk, Brest and Homel branches) as a number of signatures in these documents were forged.

Besides, during the registration of the association didn't confirm its republican status. In private, in Mahilow region the existence of 8 founders instead of 10 was confirmed, by which the demands of the decision of the Republican commission on registration (re-registration) of public associations of 24 March 1999 weren't executed.

In the suit of the Ministry of Justice it was said that in the run of its activity the association violated demands of the Statute and Article #4 of the Law «About Public associations», Article #48 of the Civil Code of the Republic of Belarus. In private, the membership fees weren't raised and there is no branch on the territory of Minsk.

During the check-up the violation of the electoral legislation by the association was found which was confirmed by the ruling of the Central commission of the Republic of Belarus on elections and holding of republican referenda of 8 September 2001, and the demands of Article #72 of the Civil Process Code, Article #22 of the Law «About Public associations» and point 2.1 of the Statute weren't executed: the association applied to the Supreme Court in the capacity of a defender for representation and defense of interests of the persons who were not its members.

Grounding on this the plaintiff asked to take the decision about liquidation of the Public association «Human Rights Center «Viasna». At the trial the representative of the plaintiff Fishkina N.V. supported the suit demands and specified that the signatures of Bialatski A.V. in the list of initiators of the association founders, Pawlaw M.U. in this list

and in the list of the revision commission as well as the signatures of Vialichkin U.A., Panasiuk P.S. and Antanovich L.A., Tsypkaila H.R., Bakhun S.P., Bahdanovich H.I. and Howsha S.K. in the list of members of Brest association branch, of Akulenka M.I. and Adamenka I.M., Ramanenka T.I., Ramanishka V.U. and Ramanishka V.U., Baranaw S.V., Busel M.K. and Pinchuk T.M. in the list of members of Homel association branch, Pawlovich V.S. and Ryklin Yu.U, Alaksandraw A.Ya and Lashkevich A.M. in the list of members of Vitsebsk association branch were forged.

Representatives of the defendant Stefanovich V.K., Labkovich U.M. and Bialatski A.V. didn't accept the suit and stated about the absence of reasons to liquidate the association as all demands of the registering body were executed during the registration of the public association and the law wasn't violated. The violations of the Statute concerning non-payment of membership fees and non-establishment of the branch in the city of Minsk were internal affairs of the association. The Ministry of Justice issued the warning about violation of the electoral legislation in 2001 and since that time there wasn't any repeated violation. What concerns the application to the Supreme Court in 1999 for participation in the consideration of the criminal case, the representatives of the defendant thought that there was no violation as the application conformed to the Criminal Process Code that acted at that time.

Having listened to the explanations of witnesses and testimonies of witnesses, investigated the written evidence, listened to the view of the representative of public Vidruk A.V. from the Public association «Independent Society of Legal Research», the opinion of the prosecutor of a department of the Prosecutor's office of the Republic of Belarus Davidowski I.U. for relief of the suit demands, I proceed to the following.

Article #21 of the Law of the Republic of Belarus «About Public associations» provides liquidation of republican public associations on the territory of the Republic of Belarus on decision of the Supreme Court.

According to point 3 of Article #29 of the mentioned Law a Public association is subject to liquidation if during the registration its founders violate the contemporary Law or other legal acts.

It was found that the Public association «Human Rights Center «Viasna» was registered on 15 June 1999 about which certificate #00111 was issued

In private, the association founders presented to the registering body the minutes of the Constitutive assembly of the association founders, the list of the Board members, the

list of the members of the Revision commission and the list of initiators of establishment of Brest, Homel and Vitsebsk branches with the signatures of the enlisted persons.

The court didn't receive any precise evidence that the mentioned documents contained forged signatures. The opinion of a specialist of the scientific research institute of criminology and court expertise, presented by the plaintiff during the case hearings can't be considered as the precise evidence.

The representative of the plaintiff Bialatski A.V., members of the association Panasiuk P.I., Antanovich L.S., Howsha S.K., Akulenka M.I., Ramanenka T.I., Ramanishka V.U., Baranaw S.V., Alaksandraw A.V., Lashkevich A.M., Pawlovich V.S., Busel M.K., Barbolin V.V. and Pawlaw M.U. that were interrogated by the court as witness, confirmed that they put the signatures on their own. Bialatski A.V. – in the minutes as the association Head and the witnesses – in the lists of initiators of establishment and in the lists of the association members in branches.

Besides, the Ruling «About certain measures for regulation of the activity of political parties, trade unions and other Public associations», adopted by Decree of President of the Republic of Belarus #2 of 26 January 1999 and the Rules for registration of Public associations, adopted by order of the Minister of Justice of the Republic of Belarus #108 of 15 May 1995 that were registered in conformity with the established order and were in force during the registration of the association and to which the plaintiff referred, didn't demand signing of the list of initiators of the association establishment and the lists of members in the regions.

The fact that during the registration of the association in Mahilow region there was confirmed existence of 8 founders instead of 10, which is demanded by the minutes of the Republican commission on registration (re-registration) of Public associations of 24 March 1999, is not a reason to liquidate the association, as according to Article #29 of the Law of the Republic of Belarus «About Public associations» the commission minutes is not a legal act and amendments to the Law «About Public associations» concerning the number of founders for confirmation of the republican status were adopted in November 1999, after the registration of the association. The court also found that Mahilow branch of the association was registered in conformity with the established order.

The demand of the plaintiff to liquidate the public association for violation of the Statute concerning payment of membership fees doesn't repose on any law.

The non-establishment of the organization branch on the territory of the city of Minsk is not a reason for liquidation either, as this circumstance is not provided by the

Statute and the republican status of the association that has branches in the majority of regions of the Republic of Belarus causes is doubtless.

The court also disagrees with the plaintiff concerning the violation of Article #72 of the Civil Process Code, Article #22 of the Law «About Public associations» and point 2.1 of the Statute by the application to the Supreme Court in 1999 with the request to participate in a criminal trial, as the possibility to participate in criminal trial in the capacity of public defender was provided by Article #249 of the Criminal Process Code of 1960 that was in force at that time and didn't contradict to point 2.1 of the Statute.

So, the mentioned circumstances to which the plaintiff referred are not a reason to liquidate the public association.

Nevertheless, in accordance with point 2 of Article #57 of the Civil Code of the Republic of Belarus a juridical body can be liquidated by court decision for unlicensed activity or the activity that is prohibited by the law or other repeated or gross violations of the law.

The court found that the Public association «Human Rights Center «Viasna» which is a juridical body, violated the demands of the electoral legislation during the preparation and holding of the election of the President of the Republic of Belarus.

In private, in the run of the electoral campaign the public association violated the established order of nomination of observers to sittings of electoral commissions and polling stations.

For instance, the association sent to Mahilow and Brest region unfilled excerpts from the minutes of the Board sittings of 18 June, 1 and 22 July and 5 August 2001 which then were filled for the citizens who weren't nominated observers by the Board decisions and weren't members of the public association.

In Pastavy district a member of the association proposed to citizens who weren't members of «Human Rights Center «Viasna» or any other public associations to attend polling stations as observers for material consideration. He filled excerpts from the minutes of a sitting of the Board in their presence.

The same law violation took place during nomination of observers to polling stations #30 and 46 of Navahrudak district.

These circumstances are confirmed by the warning of the Ministry of Justice of 28 August 2001 that wasn't appealed against by the defendant, and by the Ruling of the

Central commission of the Republic of Belarus on elections and holding of republican referenda of 8 September 2001, issued as a result of the check-ups, conducted by the Ministry of Justice and the Prosecutor's office of the Republic of Belarus.

The court is of opinion that violations of the electoral law are gross ones and, according to point 2 of Article #57 of the Civil Code, are a reason to satisfy the suit of the Ministry of Justice to liquidate the association.

Being guided by Article 302 of the Civil Process Code of Belarus, Judge

decided:

To satisfy the suit demands of the Ministry of Justice of the Republic of Belarus and liquidate the Public association «Human Rights Center «Viasna», registered on 15 June 1999 (registration certificate #00111).

To exact from the Public association «Human Rights Center «Viasna» 82 500 rubles as the State fee.

The decision comes into force immediately and is not subject to cassation.

Judge of the Supreme Court

of the Republic of Belarus

V. H. Kulik

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